

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 79, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOL ADMISSIONS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE CHARTER SCHOOLS WITH THE OPTION OF AWARDING AN ENHANCED ENROLLMENT OPPORTUNITY TO THE CHILDREN OF CERTAIN EMPLOYEES AND CERTAIN RETURNING STUDENTS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-5205, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition.

(b) A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next scheduled meeting of the authorized chartering entity after submission of the petition.

(c) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within sixty (60) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission, provided it is signed by thirty (30) qualified electors as required by subsection (1)(a) of this section. Documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(d) The public charter school commission may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter.

1 (e) A petition to convert an existing traditional public school shall be submitted to the
2 board of trustees of the district in which the school is located for review and approval.
3 The petition shall be signed by not fewer than sixty percent (60%) of the teachers
4 currently employed by the school district at the school to be converted, and by one
5 (1) or more parents or guardians of not fewer than sixty percent (60%) of the students
6 currently attending the school to be converted. Each petition submitted to convert an
7 existing school or to establish a new charter school shall contain a copy of the articles
8 of incorporation and the bylaws of the nonprofit corporation, which shall be deemed
9 incorporated into the petition.

10 (2) Not later than sixty (60) days after receiving a petition signed by thirty (30) qualified
11 electors as required by subsection (1)(a) of this section, the authorized chartering entity shall
12 hold a public hearing for the purpose of discussing the provisions of the charter, at which
13 time the authorized chartering entity shall consider the merits of the petition and the level of
14 employee and parental support for the petition. In the case of a petition submitted to the
15 public charter school commission, such public hearing must be not later than sixty (60) days
16 after receipt of the petition, which may be extended to ninety (90) days if both parties agree
17 to an extension, and the public hearing shall also include any oral or written comments that
18 an authorized representative of the school district in which the proposed public charter school
19 would be physically located may provide regarding the merits of the petition and any potential
20 impacts on the school district. Following review of the petition and the public hearing, the
21 authorized chartering entity shall either approve or deny the charter within sixty (60) days
22 after the date of the public hearing, provided however, that the date may be extended by an
23 additional sixty (60) days if the petition fails to contain all of the information required in this
24 section, or if both parties agree to the extension. This public hearing shall be an opportunity
25 for public participation and oral presentation by the public. This hearing is not a contested case
26 hearing as described in chapter 52, title 67, Idaho Code.

27 (3) An authorized chartering entity may approve a charter under the provisions of this
28 chapter only if it determines that the petition contains the requisite signatures, the information
29 required by subsections (4) and (5) of this section, and additional statements describing all of
30 the following:

31 (a) The proposed educational program of the public charter school, designed among other
32 things, to identify what it means to be an "educated person" in the twenty-first century,
33 and how learning best occurs. The goals identified in the program shall include how all
34 educational thoroughness standards as defined in section 33-1612, Idaho Code, shall be
35 fulfilled.

36 (b) The measurable student educational standards identified for use by the public charter
37 school. "Student educational standards" for the purpose of this chapter means the extent
38 to which all students of the public charter school demonstrate they have attained the skills
39 and knowledge specified as goals in the school's educational program.

40 (c) The method by which student progress in meeting those student educational standards
41 is to be measured.

42 (d) A provision by which students of the public charter school will be tested with the
43 same standardized tests as other Idaho public school students.

44 (e) A provision which ensures that the public charter school shall be state accredited as
45 provided by rule of the state board of education.

1 (f) The governance structure of the public charter school including, but not limited to, the
2 person or entity who shall be legally accountable for the operation of the public charter
3 school, and the process to be followed by the public charter school to ensure parental
4 involvement.

5 (g) The qualifications to be met by individuals employed by the public charter school.
6 Instructional staff shall be certified teachers as provided by rule of the state board of
7 education.

8 (h) The procedures that the public charter school will follow to ensure the health and
9 safety of students and staff.

10 (i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school
11 attendance to any student who is an habitual truant, as defined in section 33-206, Idaho
12 Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors
13 of the public charter school, is such as to be continuously disruptive of school discipline,
14 or of the instructional effectiveness of the school, or whose presence in a public charter
15 school is detrimental to the health and safety of other pupils, or who has been expelled
16 from another school district in this state or any other state.

17 (j) Admission procedures, including provision for overenrollment. Such admission
18 procedures shall provide that the initial admission procedures for a new public charter
19 school, including provision for overenrollment, will be determined by lottery or other
20 random method, except as otherwise provided herein. If initial capacity is insufficient
21 to enroll all pupils who submit a timely application, then the admission procedures
22 may provide that preference shall be given in the following order: first, to children of
23 founders, provided that this admission preference shall be limited to not more than ten
24 percent (10%) of the capacity of the public charter school; second, to siblings of pupils
25 already selected by the lottery or other random method; and third, an equitable selection
26 process such as by lottery or other random method. If so stated in its petition, a new
27 public charter school may include the children of full-time employees of the public
28 charter school within the first priority group subject to the limitations therein. Otherwise,
29 such children shall be included in the third priority group. If capacity is insufficient to
30 enroll all pupils for subsequent school terms, who submit a timely application, then the
31 admission procedures may provide that preference shall be given in the following order:
32 first, to pupils returning to the public charter school in the second or any subsequent year
33 of its operation; second, to children of founders, provided that this admission preference
34 shall be limited to not more than ten percent (10%) of the capacity of the public charter
35 school; third, to siblings of pupils already enrolled in the public charter school; and
36 fourth, an equitable selection process such as by lottery or other random method. There
37 shall be no carryover from year to year of the list maintained to fill vacancies. A new
38 lottery shall be conducted each year to fill vacancies which become available. If so stated
39 in its petition, a public charter school may include the following children within the
40 second priority group subject to the limitations therein:

41 (i) The children of full-time employees of the public charter school;

42 (ii) Children who previously attended the public charter school within the
43 previous three (3) school years, but who withdrew as a result of the relocation of a
44 parent or guardian due to an academic sabbatical, employer or military transfer or
45 reassignment.

46 Otherwise, such children shall be included in the fourth priority group.

1 (k) The manner in which an annual audit of the financial and programmatic operations of
2 the public charter school is to be conducted.

3 (l) The disciplinary procedures that the public charter school will utilize, including
4 the procedure by which students may be suspended, expelled and reenrolled, and the
5 procedures required by section 33-210, Idaho Code.

6 (m) A provision which ensures that all staff members of the public charter school will be
7 covered by the public employee retirement system, federal social security, unemployment
8 insurance, worker's compensation insurance, and health insurance.

9 (n) The public school attendance alternative for students residing within the school
10 district who choose not to attend the public charter school.

11 (o) A description of the transfer rights of any employee choosing to work in a public
12 charter school that is approved by the board of trustees of a school district, and the rights
13 of such employees to return to any noncharter school in the same school district after
14 employment at such charter school.

15 (p) A provision which ensures that the staff of the public charter school shall be
16 considered a separate unit for purposes of collective bargaining.

17 (q) The manner by which special education services will be provided to students with
18 disabilities who are eligible pursuant to the federal individuals with disabilities education
19 act, including disciplinary procedures for these students.

20 (r) A plan for working with parents who have students who are dually enrolled pursuant
21 to section 33-203, Idaho Code.

22 (s) The process by which the citizens in the area of attendance shall be made aware of
23 the enrollment opportunities of the public charter school.

24 (t) A proposal for transportation services as required by section 33-5208(4), Idaho Code.

25 (u) A plan for termination of the charter by the board of directors, to include:

26 (i) Identification of who is responsible for dissolution of the charter school;

27 (ii) A description of how payment to creditors will be handled;

28 (iii) A procedure for transferring all records of students with notice to parents of
29 how to request a transfer of student records to a specific school; and

30 (iv) A plan for the disposal of the public charter school's assets.

31 (4) The petitioner shall provide information regarding the proposed operation and
32 potential effects of the public charter school including, but not limited to, the facilities to be
33 utilized by the public charter school, the manner in which administrative services of the public
34 charter school are to be provided and the potential civil liability effects upon the public charter
35 school and upon the authorized chartering entity.

36 (5) At least one (1) person among a group of petitioners of a prospective public charter
37 school shall attend a public charter school workshop offered by the state department of
38 education. The state department of education shall provide notice of dates and locations when
39 workshops will be held, and shall provide proof of attendance to workshop attendees. Such
40 proof shall be submitted by the petitioners to an authorized chartering entity along with the
41 charter petition.

42 (~~5~~) The public charter school commission may approve a charter for a public virtual
43 school under the provisions of this chapter only if it determines that the petition contains the
44 requirements of subsections (3) and (4) of this section and the additional statements describing
45 the following:

46 (a) The learning management system by which courses will be delivered;

- 1 (b) The role of the online teacher, including the consistent availability of the teacher to
2 provide guidance around course material, methods of individualized learning in the online
3 course and the means by which student work will be assessed;
- 4 (c) A plan for the provision of professional development specific to the public virtual
5 school environment;
- 6 (d) The means by which public virtual school students will receive appropriate
7 teacher-to-student interaction, including timely, frequent feedback about student progress;
- 8 (e) The means by which the public virtual school will verify student attendance and
9 award course credit. Attendance at public virtual schools shall focus primarily on
10 coursework and activities that are correlated to the Idaho state thoroughness standards;
- 11 (f) A plan for the provision of technical support relevant to the delivery of online
12 courses;
- 13 (g) The means by which the public virtual school will provide opportunity for
14 student-to-student interaction; and
- 15 (h) A plan for ensuring equal access to all students, including the provision of
16 necessary hardware, software and internet connectivity required for participation in online
17 coursework.