

IN THE SENATE

SENATE BILL NO. 1121, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205,  
 2 IDAHO CODE, TO PROVIDE FOR NOTICE AND PUBLIC HEARING IN THE  
 3 CASE OF A PETITION FOR A PUBLIC VIRTUAL CHARTER SCHOOL, TO  
 4 PROVIDE FOR COMMENTS, TO PROVIDE FOR NOTICE AND PUBLIC HEARING  
 5 IN THE CASE OF A PETITION FOR A NON-VIRTUAL PUBLIC CHARTER  
 6 SCHOOL, TO PROVIDE FOR COMMENTS, TO PROVIDE FOR REVIEW OF  
 7 CERTAIN PETITIONS AND PUBLIC HEARINGS AND TO MAKE A TECHNICAL  
 8 CORRECTION.  
 9

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

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

13 33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group  
 14 of persons may petition to establish a new public charter school, or to convert an existing  
 15 traditional public school to a public charter school.

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

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

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

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

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

12 (2) Not later than sixty (60) days after receiving a petition signed by thirty (30) qualified  
13 electors as required by subsection (1)(a) of this section, the authorized chartering entity shall  
14 hold a public hearing for the purpose of discussing the provisions of the charter, at which  
15 time the authorized chartering entity shall consider the merits of the petition and the level of  
16 employee and parental support for the petition. In the case of a petition submitted to the public  
17 charter school commission, such public hearing must be not later than sixty (60) days after  
18 receipt of the petition, which may be extended to ninety (90) days if both parties agree to an  
19 extension, ~~and~~.

20 In the case of a petition for a public virtual charter school, if the primary attendance  
21 area described in the petition of a proposed public virtual charter school extends within the  
22 boundaries of five (5) or fewer local school districts, the public charter school commission shall  
23 provide notice in writing of the public hearing no less than thirty (30) days prior to such public  
24 hearing to those local school districts. Such ~~the~~ public hearing shall also include any oral or  
25 written comments that an authorized representative of the local school districts ~~in which the~~  
26 ~~proposed public charter school would be physically located~~ may provide regarding the merits of  
27 the petition and any potential impacts on the school districts.

28 In the case of a petition for a non-virtual public charter school submitted to the public  
29 charter school commission, the board of the district in which the proposed public charter school  
30 will be physically located, shall be notified of the hearing in writing, by the public charter  
31 school commission, no less than thirty (30) days prior to the public hearing. Such public  
32 hearing shall include any oral or written comments that an authorized representative of the  
33 school district in which the proposed public charter school would be physically located may  
34 provide regarding the merits of the petition and any potential impacts on the school district.  
35 The hearing shall also include any oral or written comments that petitioners may provide  
36 regarding any potential impacts on such school district. If the school district chooses not to  
37 provide any oral or written comments as provided for in this subsection (2), such school district  
38 shall notify the public charter school commission of such decision. Following review of ~~the~~  
39 any petition and ~~the~~ any public hearing provided for in this section, the authorized chartering  
40 entity shall either approve or deny the charter within sixty (60) days after the date of the public  
41 hearing, provided however, that the date may be extended by an additional sixty (60) days if the  
42 petition fails to contain all of the information required in this section, or if both parties agree  
43 to the extension. This public hearing shall be an opportunity for public participation and oral  
44 presentation by the public. This hearing is not a contested case hearing as described in chapter  
45 52, title 67, Idaho Code.

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

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

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

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

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

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

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

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

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

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

36 (j) Admission procedures, including provision for overenrollment. Such admission  
37 procedures shall provide that the initial admission procedures for a new public charter  
38 school, including provision for overenrollment, will be determined by lottery or other  
39 random method, except as otherwise provided herein. If initial capacity is insufficient  
40 to enroll all pupils who submit a timely application, then the admission procedures  
41 may provide that preference shall be given in the following order: first, to children of  
42 founders, provided that this admission preference shall be limited to not more than ten  
43 percent (10%) of the capacity of the public charter school; second, to siblings of pupils  
44 already selected by the lottery or other random method; and third, an equitable selection  
45 process such as by lottery or other random method. If capacity is insufficient to enroll all  
46 pupils for subsequent school terms, who submit a timely application, then the admission

1 procedures may provide that preference shall be given in the following order: first, to  
2 pupils returning to the public charter school in the second or any subsequent year of its  
3 operation; second, to children of founders, provided that this admission preference shall  
4 be limited to not more than ten percent (10%) of the capacity of the public charter school;  
5 third, to siblings of pupils already enrolled in the public charter school; and fourth, an  
6 equitable selection process such as by lottery or other random method. There shall be no  
7 carryover from year to year of the list maintained to fill vacancies. A new lottery shall be  
8 conducted each year to fill vacancies which become available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (5) At least one (1) person among a group of petitioners of a prospective public charter  
45 school shall attend a public charter school workshop offered by the state department of  
46 education. The state department of education shall provide notice of dates and locations when

1 workshops will be held, and shall provide proof of attendance to workshop attendees. Such  
2 proof shall be submitted by the petitioners to an authorized chartering entity along with the  
3 charter petition.

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

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

9 (b) The role of the online teacher, including the consistent availability of the teacher to  
10 provide guidance around course material, methods of individualized learning in the online  
11 course and the means by which student work will be assessed;

12 (c) A plan for the provision of professional development specific to the public virtual  
13 school environment;

14 (d) The means by which public virtual school students will receive appropriate  
15 teacher-to-student interaction, including timely, frequent feedback about student progress;

16 (e) The means by which the public virtual school will verify student attendance and  
17 award course credit. Attendance at public virtual schools shall focus primarily on  
18 coursework and activities that are correlated to the Idaho state thoroughness standards;

19 (f) A plan for the provision of technical support relevant to the delivery of online  
20 courses;

21 (g) The means by which the public virtual school will provide opportunity for  
22 student-to-student interaction; and

23 (h) A plan for ensuring equal access to all students, including the provision of  
24 necessary hardware, software and internet connectivity required for participation in online  
25 coursework.