

IN THE SENATE

SENATE BILL NO. 1364

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE FOR AN EXCEPTION TO THE NUMBER OF NEW PUBLIC CHARTER SCHOOLS THAT MAY BEGIN EDUCATIONAL INSTRUCTION IN ANY ONE SCHOOL YEAR, TO DEFINE A TERM AND TO PROVIDE THAT THE PUBLIC CHARTER SCHOOL COMMISSION SHALL DETERMINE WHETHER A NEW PUBLIC CHARTER SCHOOL MEETS CERTAIN QUALIFICATIONS.

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

SECTION 1. That Section 33-5203, Idaho Code, be, and the same is hereby amended to read as follows:

33-5203. AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) The number of new public charter schools which may begin educational instruction in any one (1) school year shall be limited in number in accordance with the following:

(a) Not more than six (6) new public charter schools may begin educational instruction in any one (1) school year, except as provided for in subsection (2) (c) of this section, and

(b) Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) school district in any one (1) school year, and

(c) The number of new public charter schools beginning operations in any one (1) fiscal year may exceed the limitation provided for in subsection (2) (a) of this section for underserved student populations. The term "underserved student population" shall mean students whose interests and needs are difficult to meet in the traditional academic realm, including low-income students, racial and ethnic minorities, at-risk students, English as a second language students, immigrant students, students with disabilities, gifted and talented students, and other special populations likely to be excluded from full participation in traditional public schools, and

(d) The public charter school commission shall determine whether a new public charter school meets the qualifications of subsection (2) (c) of this section, and

(e) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools, and

(f) Public virtual charter schools approved by the public charter school commission are not included in paragraph (b) of this subsection, and

1 (~~eg~~) The transfer of a charter for a school already authorized pursuant
2 to section 33-5205A, Idaho Code, is not included in the limit on the
3 annual number of public charter schools approved to begin educational
4 instruction in any given school year as set forth in paragraph (a) of
5 this subsection, and

6 (~~fh~~) A petition must be received by the initial authorized chartering
7 entity no later than September 1 to be eligible to begin instruction the
8 first complete school year following receipt of the petition, and

9 (~~gi~~) To begin operations, a newly-chartered public school must be
10 authorized by no later than January 1 of the previous school year.

11 (3) A public charter school may be formed either by creating a new
12 public charter school, which charter may be approved by any authorized
13 chartering entity, or by converting an existing traditional public school
14 to a public charter school, which charter may only be approved by the board
15 of trustees of the school district in which the existing public school is
16 located.

17 (4) No charter shall be approved under this chapter:

18 (a) Which provides for the conversion of any existing private or
19 parochial school to a public charter school.

20 (b) To a for-profit entity or any school which is operated by a
21 for-profit entity, provided however, nothing herein shall prevent the
22 board of directors of a public charter school from legally contracting
23 with for-profit entities for the provision of products or services that
24 aid in the operation of the school.

25 (c) By the board of trustees of a school district if the public charter
26 school's physical location is outside the boundaries of the authorizing
27 school district. The limitation provided in this subsection (4)(c)
28 does not apply to a home-based public virtual school.

29 (5) A public virtual school charter may be approved by the public
30 charter school commission. In addition, a charter may also be approved by
31 the state board of education pursuant to section 33-5207(5)(b), Idaho Code.

32 (6) The state board of education shall adopt rules, subject to law, to
33 establish a consistent application and review process for the approval and
34 maintenance of all public charter schools.

35 (7) The state board of education shall be responsible to designate
36 those public charter schools that will be identified as a local education
37 agency (LEA) as such term is defined in 34 CFR 300.18; however, only public
38 charter schools chartered by the board of trustees of a school district may
39 be included in that district's LEA.