

Moved by DeMordaunt

Seconded by Nonini

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO S.B. NO. 1269

AMENDMENT TO THE BILL

1  
2 On page 1 of the printed bill, delete lines 6 through 41; and delete page  
3 2, and insert:

4 "SECTION 1. That Section 33-5202A, Idaho Code, be, and the same is  
5 hereby amended to read as follows:

6 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-  
7 quires otherwise:

8 (1) "Authorized chartering entity" means either the local board of  
9 trustees of a school district in this state, or the public charter school  
10 commission pursuant to the provisions of this chapter.

11 (2) "Charter" means the grant of authority approved by the authorized  
12 chartering entity to the board of directors of the public charter school.

13 (3) "Founder" means a person, including employees or staff of a pub-  
14 lic charter school, who makes a material contribution toward the establish-  
15 ment of a public charter school in accordance with criteria determined by  
16 the board of directors of the public charter school, and who is designated as  
17 such at the time the board of directors acknowledges and accepts such contri-  
18 bution. Provided however, that such designation shall be made only within  
19 one hundred eighty (180) calendar days of the initial day of educational in-  
20 struction offered by such public charter school. The criteria for determin-  
21 ing when a person is a founder shall not discriminate against any person on  
22 any basis prohibited by the federal or state constitutions or any federal,  
23 state or local law. The designation of a person as a founder, and the admis-  
24 sion preferences available to the children of a founder, shall not consti-  
25 tute pecuniary benefits.

26 (4) "Builder" means a person, including employees or staff of a public  
27 charter school, who contributes substantial time and effort on behalf of the  
28 public charter school in accordance with criteria determined by the board  
29 of directors of the public charter school, and who is designated as such at  
30 the time the board of directors acknowledges and accepts such contribution,  
31 which shall not be construed to include direct monetary contribution. The  
32 criteria for determining when a person is a builder shall not discriminate  
33 against any person on any basis prohibited by the federal or state constitu-  
34 tions or any federal, state or local law. The designation of a person as a  
35 builder and the admission preferences available to the children of a builder  
36 shall not constitute pecuniary benefits.

37 (5) "Petition" means the document submitted by a person or persons to  
38 the authorized chartering entity to request the creation of a public charter  
39 school.

1           (56) "Professional-technical regional public charter school" means a  
 2 public charter secondary school authorized under this chapter to provide  
 3 programs in professional-technical education which meet the standards and  
 4 qualifications established by the division of professional-technical ed-  
 5 ucation. A professional-technical regional public charter school may be  
 6 approved by an authorized chartering entity and, by the terms of its char-  
 7 ter, shall operate in association with at least two (2) school districts.  
 8 Notwithstanding the provisions of section 33-5206(1), Idaho Code, partici-  
 9 pating school districts need not be contiguous.

10           (67) "Public charter school" means a school that is authorized under  
 11 this chapter to deliver public education in Idaho.

12           (78) "Traditional public school" means any school existing or to be  
 13 built that is operated and controlled by a school district in this state.

14           (89) "Virtual school" means a school that delivers a full-time, se-  
 15 quential program of synchronous and/or asynchronous instruction primarily  
 16 through the use of technology via the internet in a distributed environment.  
 17 Schools classified as virtual must have an online component to their school  
 18 with online lessons and tools for student and data management.

19           SECTION 2. That Section 33-5205, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21           33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of  
 22 persons may petition to establish a new public charter school, or to convert  
 23 an existing traditional public school to a public charter school.

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

29           (b) A petition to establish a new public virtual school must be sub-  
 30 mitted directly to the public charter school commission. A petition to  
 31 establish a new public charter school, other than a new public virtual  
 32 school, shall first be submitted to the local board of trustees in which  
 33 the public charter school will be located. A petition shall be consid-  
 34 ered to be received by an authorized chartering entity as of the next  
 35 scheduled meeting of the authorized chartering entity after submission  
 36 of the petition.

37           (c) The board of trustees may either: (i) consider the petition and ap-  
 38 prove the charter; or (ii) consider the petition and deny the charter;  
 39 or (iii) refer the petition to the public charter school commission, but  
 40 such referral shall not be made until the local board has documented its  
 41 due diligence in considering the petition. Such documentation shall be  
 42 submitted with the petition to the public charter school commission. If  
 43 the petitioners and the local board of trustees have not reached mutual  
 44 agreement on the provisions of the charter, after a reasonable and good  
 45 faith effort, within sixty (60) days from the date the charter petition  
 46 is received, the petitioners may withdraw their petition from the local  
 47 board of trustees and may submit their charter petition to the public  
 48 charter school commission, provided it is signed by thirty (30) quali-

1       fied electors as required by subsection (1) (a) of this section. Docu-  
2       mentation of the reasonable and good faith effort between the petition-  
3       ers and the local board of trustees must be submitted with the petition  
4       to the public charter school commission.

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

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

19      (2) Not later than sixty (60) days after receiving a petition signed by  
20      thirty (30) qualified electors as required by subsection (1) (a) of this sec-  
21      tion, the authorized chartering entity shall hold a public hearing for the  
22      purpose of discussing the provisions of the charter, at which time the au-  
23      thorized chartering entity shall consider the merits of the petition and the  
24      level of employee and parental support for the petition. In the case of a pe-  
25      tition submitted to the public charter school commission, such public hear-  
26      ing must be not later than sixty (60) days after receipt of the petition,  
27      which may be extended to ninety (90) days if both parties agree to an exten-  
28      sion.

29      In the case of a petition for a public virtual charter school, if the  
30      primary attendance area described in the petition of a proposed public vir-  
31      tual charter school extends within the boundaries of five (5) or fewer local  
32      school districts, the public charter school commission shall provide notice  
33      in writing of the public hearing no less than thirty (30) days prior to such  
34      public hearing to those local school districts. Such public hearing shall  
35      include any oral or written comments that an authorized representative of  
36      the local school districts may provide regarding the merits of the petition  
37      and any potential impacts on the school districts.

38      In the case of a petition for a non-virtual public charter school sub-  
39      mitted to the public charter school commission, the board of the district in  
40      which the proposed public charter school will be physically located, shall  
41      be notified of the hearing in writing, by the public charter school commis-  
42      sion, no less than thirty (30) days prior to the public hearing. Such public  
43      hearing shall include any oral or written comments that an authorized repre-  
44      sentative of the school district in which the proposed public charter school  
45      would be physically located may provide regarding the merits of the petition  
46      and any potential impacts on the school district. The hearing shall include  
47      any oral or written comments that petitioners may provide regarding any po-  
48      tential impacts on such school district. If the school district chooses not  
49      to provide any oral or written comments as provided for in this subsection  
50      (2), such school district shall notify the public charter school commission

1 of such decision. Following review of any petition and any public hearing  
2 provided for in this section, the authorized chartering entity shall either  
3 approve or deny the charter within sixty (60) days after the date of the pub-  
4 lic hearing, provided however, that the date may be extended by an additional  
5 sixty (60) days if the petition fails to contain all of the information re-  
6 quired in this section, or if both parties agree to the extension. This pub-  
7 lic hearing shall be an opportunity for public participation and oral pre-  
8 sentation by the public. This hearing is not a contested case hearing as de-  
9 scribed in chapter 52, title 67, Idaho Code.

10 (3) An authorized chartering entity may approve a charter under the  
11 provisions of this chapter only if it determines that the petition contains  
12 the requisite signatures, the information required by subsections (4) and  
13 (5) of this section, and additional statements describing all of the follow-  
14 ing:

15 (a) The proposed educational program of the public charter school, de-  
16 signed among other things, to identify what it means to be an "educated  
17 person" in the twenty-first century, and how learning best occurs. The  
18 goals identified in the program shall include how all educational thoro-  
19 oughness standards as defined in section 33-1612, Idaho Code, shall be  
20 fulfilled.

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

26 (c) The method by which student progress in meeting those student edu-  
27 cational standards is to be measured.

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

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

33 (f) The governance structure of the public charter school including,  
34 but not limited to, the person or entity who shall be legally account-  
35 able for the operation of the public charter school, and the process to  
36 be followed by the public charter school to ensure parental involve-  
37 ment.

38 (g) The qualifications to be met by individuals employed by the pub-  
39 lic charter school. Instructional staff shall be certified teachers as  
40 provided by rule of the state board of education.

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

43 (i) A plan for the requirements of section 33-205, Idaho Code, for the  
44 denial of school attendance to any student who is an habitual truant, as  
45 defined in section 33-206, Idaho Code, or who is incorrigible, or whose  
46 conduct, in the judgment of the board of directors of the public charter  
47 school, is such as to be continuously disruptive of school discipline,  
48 or of the instructional effectiveness of the school, or whose presence  
49 in a public charter school is detrimental to the health and safety of

1 other pupils, or who has been expelled from another school district in  
2 this state or any other state.

3 (j) Admission procedures, including provision for overenrollment.  
4 Such admission procedures shall provide that the initial admission  
5 procedures for a new public charter school, including provision for  
6 overenrollment, will be determined by lottery or other random method,  
7 except as otherwise provided herein. If initial capacity is insuffi-  
8 cient to enroll all pupils who submit a timely application, then the  
9 admission procedures may provide that preference shall be given in the  
10 following order: first, to children of founders, provided that this  
11 admission preference shall be limited to not more than ten percent  
12 (10%) of the capacity of the public charter school; second, to siblings  
13 of pupils already selected by the lottery or other random method; and  
14 third, an equitable selection process such as by lottery or other random  
15 method. If so stated in its petition, a new public charter school may  
16 include the children of full-time employees or builders of the public  
17 charter school within the first priority group subject to the limita-  
18 tions therein. Otherwise, such children shall be included in the third  
19 priority group. If capacity is insufficient to enroll all pupils for  
20 subsequent school terms, who submit a timely application, then the  
21 admission procedures may provide that preference shall be given in  
22 the following order: first, to pupils returning to the public charter  
23 school in the second or any subsequent year of its operation; second, to  
24 children of founders, provided that this admission preference shall be  
25 limited to not more than ten percent (10%) of the capacity of the public  
26 charter school; third, to siblings of pupils already enrolled in the  
27 public charter school; and fourth, an equitable selection process such  
28 as by lottery or other random method. There shall be no carryover from  
29 year to year of the list maintained to fill vacancies. A new lottery  
30 shall be conducted each year to fill vacancies which become available.  
31 If so stated in its petition, a public charter school may include the  
32 following children within the second priority group subject to the lim-  
33 itations therein:

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

36 (ii) The children of builders;

37 (iii) Children who previously attended the public charter school  
38 within the previous three (3) school years, but who withdrew as a  
39 result of the relocation of a parent or guardian due to an academic  
40 sabbatical, employer or military transfer or reassignment.

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

43 (k) The manner in which an annual audit of the financial and program-  
44 matic operations of the public charter school is to be conducted.

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

49 (m) A provision which ensures that all staff members of the public char-  
50 ter school will be covered by the public employee retirement system,

1 federal social security, unemployment insurance, worker's compensa-  
2 tion insurance, and health insurance.

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

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

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

14 (q) The manner by which special education services will be provided to  
15 students with disabilities who are eligible pursuant to the federal in-  
16 dividuals with disabilities education act, including disciplinary pro-  
17 cedures for these students.

18 (r) A plan for working with parents who have students who are dually en-  
19 rolled pursuant to section 33-203, Idaho Code.

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

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

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

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

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

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

33 (iv) A plan for the disposal of the public charter school's as-  
34 sets.

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

41 (5) At least one (1) person among a group of petitioners of a prospec-  
42 tive public charter school shall attend a public charter school workshop  
43 offered by the state department of education. The state department of educa-  
44 tion shall provide notice of dates and locations when workshops will be held,  
45 and shall provide proof of attendance to workshop attendees. Such proof  
46 shall be submitted by the petitioners to an authorized chartering entity  
47 along with the charter petition.

48 (6) The public charter school commission may approve a charter for a  
49 public virtual school under the provisions of this chapter only if it deter-

1 mines that the petition contains the requirements of subsections (3) and (4)  
2 of this section and the additional statements describing the following:  
3 (a) The learning management system by which courses will be delivered;  
4 (b) The role of the online teacher, including the consistent availabil-  
5 ity of the teacher to provide guidance around course material, methods  
6 of individualized learning in the online course and the means by which  
7 student work will be assessed;  
8 (c) A plan for the provision of professional development specific to  
9 the public virtual school environment;  
10 (d) The means by which public virtual school students will receive ap-  
11 propriate teacher-to-student interaction, including timely, frequent  
12 feedback about student progress;  
13 (e) The means by which the public virtual school will verify student at-  
14 tendance and award course credit. Attendance at public virtual schools  
15 shall focus primarily on coursework and activities that are correlated  
16 to the Idaho state thoroughness standards;  
17 (f) A plan for the provision of technical support relevant to the deliv-  
18 ery of online courses;  
19 (g) The means by which the public virtual school will provide opportu-  
20 nity for student-to-student interaction; and  
21 (h) A plan for ensuring equal access to all students, including the pro-  
22 vision of necessary hardware, software and internet connectivity re-  
23 quired for participation in online coursework."

24 CORRECTION TO TITLE

25 On page 1, delete lines 3 and 4, and insert: "TO REVISE THE DEFINITION OF  
26 "FOUNDER," TO PROVIDE A DEFINITION OF "BUILDER" AND TO MAKE TECHNICAL COR-  
27 RECTIONS; AND AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE APPLICATION  
28 TO CHILDREN OF BUILDERS."