

Moved by DeMordaunt

Seconded by Nonini

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

AMENDMENT TO THE BILL

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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."