

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 221

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1009, IDAHO CODE, TO PROVIDE  
2 FOR AN EXCEPTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
3 33-5202A, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-5203,  
4 IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIMITATIONS ON THE AP-  
5 PROVAL OF A PUBLIC CHARTER SCHOOL BY A BOARD OF TRUSTEES, TO REVISE  
6 PROVISIONS RELATING TO A PUBLIC VIRTUAL SCHOOL CHARTER, TO REVISE PRO-  
7 VISIONS RELATING TO THE DESIGNATION OF A PUBLIC CHARTER SCHOOL AS A  
8 LOCAL EDUCATION AGENCY; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY  
9 THE ADDITION OF A NEW SECTION 33-5203A, IDAHO CODE, TO ESTABLISH PRO-  
10 VISIONS RELATING TO THE APPROVAL OF AUTHORIZED CHARTERING ENTITIES  
11 AND SUCH ENTITIES' AUTHORITY, TO ESTABLISH PROVISIONS RELATING TO AN  
12 APPLICATION TO BECOME AN AUTHORIZED CHARTERING ENTITY, TO ESTABLISH  
13 PROVISIONS RELATING TO AN APPLICATION FORM, TO ESTABLISH PROVISIONS RE-  
14 LATING TO CRITERIA, TO ESTABLISH PROVISIONS RELATING TO THE WITHDRAWAL  
15 OF A CERTAIN ENTITY, TO ESTABLISH PROVISIONS RELATING TO TRAINING, PER-  
16 FORMANCE REVIEW AND CORRECTIVE ACTION; AMENDING SECTION 33-5205, IDAHO  
17 CODE, TO REVISE PROVISIONS RELATING TO A PETITION TO ESTABLISH A PUBLIC  
18 CHARTER SCHOOL AND A NEW PUBLIC VIRTUAL SCHOOL, TO REMOVE LANGUAGE RE-  
19 LATING TO THE PUBLIC CHARTER SCHOOL COMMISSION, TO REVISE PROVISIONS  
20 RELATING TO A PUBLIC HEARING, TO REVISE PROVISIONS RELATING TO A DECI-  
21 SION ON A PETITION, TO REVISE PROVISIONS RELATING TO CERTAIN ADDITIONAL  
22 STATEMENTS, TO ESTABLISH PROVISIONS RELATING TO AN INITIAL CHARTER AND  
23 TERM OF OPERATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
24 33-5205A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSFER  
25 OF A CHARTER, TO REMOVE LANGUAGE RELATING TO THE PUBLIC CHARTER SCHOOL  
26 COMMISSION AND TO ESTABLISH LANGUAGE RELATING TO AUTHORIZED CHARTERING  
27 ENTITIES; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF  
28 A NEW SECTION 33-5205B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING  
29 TO CHARTER CONTRACTS, TO ESTABLISH PROVISIONS RELATING TO PERFORMANCE  
30 EXPECTATIONS AND MEASURES, TO ESTABLISH PROVISIONS RELATING TO THE EX-  
31 ECUTION OF SUCH CONTRACTS AND TO PROVIDE THAT CERTAIN PUBLIC CHARTER  
32 SCHOOLS SHALL EXECUTE CONTRACTS NO LATER THAN A CERTAIN DATE; AMEND-  
33 ING SECTION 33-5206, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO  
34 CERTAIN REQUIREMENTS, TO REVISE PROVISIONS RELATING TO THE SUBMIS-  
35 SION OF AN AUDIT, TO REVISE PROVISIONS RELATING TO THE REVISION OF A  
36 CHARTER OR CONTRACT AND TO REVISE PROVISIONS RELATING TO A NONRENEWED  
37 CHARTER; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS  
38 RELATING TO RECONSIDERATION OF A DECISION TO DENY A PETITION; AMENDING  
39 SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PAY-  
40 MENT SCHEDULE AND TO REMOVE A REFERENCE TO THE STATE BOARD; REPEALING  
41 SECTION 33-5209, IDAHO CODE, RELATING TO ENFORCEMENT, REVOCATION AND  
42 APPEAL; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A  
43 NEW SECTION 33-5209A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO  
44 ACCOUNTABILITY OF EACH PUBLIC CHARTER SCHOOL AND CERTAIN PERFORMANCE  
45

1 INDICATORS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION  
 2 OF A NEW SECTION 33-5209B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING  
 3 TO CHARTER RENEWALS, RENEWAL APPLICATIONS, CHARTER RENEWAL DECISIONS,  
 4 REVOCATION AND NONRENEWAL PROCESSES AND ESTABLISHING PROVISIONS RE-  
 5 LATING TO AN AUTHORIZED CHARTERING ENTITY RENEWING OR NONRENEWING ANY  
 6 CHARTER; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF  
 7 A NEW SECTION 33-5209C, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO  
 8 AN AUTHORIZED CHARTERING ENTITY MONITORING PERFORMANCE, TO ESTABLISH  
 9 PROVISIONS RELATING TO A PERFORMANCE REPORT, TO ESTABLISH PROVISIONS  
 10 RELATING TO CERTAIN FISCAL SOUNDNESS, TO ESTABLISH PROVISIONS RELATING  
 11 TO NOTIFICATION REGARDING VIOLATION OF LAW, TO ESTABLISH PROVISIONS  
 12 RELATING TO REVOCATION OR NONRENEWAL OF A CHARTER, TO PROVIDE FOR A  
 13 REPORT, TO ESTABLISH PROVISIONS RELATING TO A PUBLIC HEARING AND TO PRO-  
 14 VIDE FOR AN APPEAL; AMENDING SECTION 33-5211, IDAHO CODE, TO REMOVE A  
 15 REFERENCE TO A PETITION, TO PROVIDE A REFERENCE TO A CHARTER AND CHARTER  
 16 CONTRACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 52, TITLE  
 17 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5212, IDAHO CODE, TO  
 18 ESTABLISH PROVISIONS RELATING TO PUBLIC CHARTER SCHOOL CLOSURE DECI-  
 19 SIONS AND THE DISTRIBUTION OF ASSETS; AMENDING SECTION 33-5213, IDAHO  
 20 CODE, TO REVISE PROVISIONS RELATING TO THE MEMBERSHIP AND TERMS OF THE  
 21 PUBLIC CHARTER SCHOOL COMMISSION AND TO REVISE PROVISIONS RELATING TO  
 22 THE REQUIREMENTS OF MEMBERSHIP; AND PROVIDING EFFECTIVE DATES.

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

24 SECTION 1. That Section 33-1009, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

27 1. a. Payments of the state general account appropriation for public  
 28 school support shall be made each year by the state board of education  
 29 to the public school districts of the state in five (5) payments. Pay-  
 30 ments to the districts shall be made not later than the fifteenth day  
 31 of August, the first day of October, the fifteenth day of November, the  
 32 fifteenth day of February, and the fifteenth day of May each year. The  
 33 first two (2) payments by the state board of education shall be approx-  
 34 imately thirty percent (30%) of the total general account appropriation  
 35 for the fiscal year, while the third, fourth and fifth payments shall  
 36 be approximately twenty percent (20%), ten percent (10%) and ten per-  
 37 cent (10%), respectively, except as provided for in section 33-5209C,  
 38 Idaho Code. Amounts apportioned due to a special transfer to the public  
 39 school income fund to restore or reduce a deficiency in the prior year's  
 40 transfer pursuant to subsection 4. of this section shall not be subject  
 41 to this limitation.

42 b. Payments of moneys, other than the state general account appropri-  
 43 ation, that accrue to the public school income fund shall be made by  
 44 the state board of education to the school districts of the state on the  
 45 fifteenth day of November, February, May and July each year. The total  
 46 amount of such payments shall be determined by the state department of  
 47 education and shall not exceed the amount of moneys available and on de-  
 48 posit in the public school income fund at the time such payment is made.

1 c. Amounts apportioned due to a special transfer to the public school  
 2 income fund to restore or reduce a deficiency in the prior year's trans-  
 3 fer pursuant to subsection 4. of this section shall not be subject to  
 4 the limitation imposed by paragraphs a. and b. of this subsection.

5 2. Payments made to the school districts in August, October and Novem-  
 6 ber are advance payments for the current year and may be based upon payments  
 7 from the public school income fund for the preceding school year. Each  
 8 school district may receive its proportionate share of the advance payments  
 9 in the same ratio that its total payment for the preceding year was to the  
 10 total payments to all school districts for the preceding year.

11 3. No later than the fifteenth day of February in each year, the state  
 12 department of education shall compute the state distribution factor based on  
 13 the total average daily attendance through the first Friday in November. The  
 14 factor will be used in payments of state funds in February and May. Atten-  
 15 dance shall be reported in a format and at a time specified by the state de-  
 16 partment of education.

17 As of the thirtieth day of June of each year the state department of edu-  
 18 cation shall determine final payments to be made on July fifteenth next suc-  
 19 ceeding to the several school districts from the public school income fund  
 20 for the school year ended June 30. The July payments shall take into consid-  
 21 eration:

22 a. ~~the~~ average daily attendance of the several school districts for  
 23 the twenty-eight (28) best weeks of the school year completed not later  
 24 than the thirtieth of June ~~;~~

25 b. ~~a~~ll funds available in the public school income fund for the fiscal  
 26 year ending on the thirtieth of June ~~;~~

27 c. ~~a~~ll payments distributed for the current fiscal year to the several  
 28 school districts ~~;~~

29 d. ~~the~~ adjustment based on the actual amount of discretionary funds  
 30 per support unit required by the provisions of section 33-1018, Idaho  
 31 Code ~~;~~

32 e. ~~p~~ayments made or due for the transportation support program and the  
 33 exceptional education support program. The state department of educa-  
 34 tion shall apportion and direct the payment to the several school dis-  
 35 tricts the moneys in the public school income fund in each year, taking  
 36 into account the advance made under subsection 2. of this section, in  
 37 such amounts as will provide in full for each district its support pro-  
 38 gram, and not more than therefor required, and no school district shall  
 39 receive less than fifty dollars (\$50.00).

40 4. If the full amount appropriated to the public school income fund  
 41 from the general account by the legislature is not transferred to the public  
 42 school income fund by the end of the fiscal year, the deficiency resulting  
 43 therefrom shall either be restored or reduced through a special trans-  
 44 fer from the general account in the first sixty (60) days of the following  
 45 fiscal year, or shall be calculated in computing district levies, and any  
 46 additional levy shall be certified by the state superintendent of public  
 47 instruction to the board of county commissioners and added to the district's  
 48 maintenance and operation levy. If the deficiency is restored or reduced  
 49 by special transfer, the amount so transferred shall be in addition to the  
 50 amount appropriated to be transferred in such following fiscal year and

1 shall be apportioned to each school district in the same amount as each would  
 2 have received had the transfer been made in the year the deficiency occurred.  
 3 The state department of education shall distribute to the school district  
 4 the full amount of the special transfer as soon as practical after such  
 5 transfer is made. In making the levy computations required by this subsec-  
 6 tion the state department of education shall take into account and consider  
 7 the full amount of money receipted into the public school income fund from  
 8 all sources for the given fiscal year. Deficits in the transfer of the ap-  
 9 propriated amount of general account revenue to the public school income  
 10 fund shall be reduced by the amount, if any, that the total amount receipted  
 11 from other sources into the public school income fund exceeds the official  
 12 estimated amount from those sources. The official estimate of receipts from  
 13 other sources shall be the total amount stated by the legislature in the ap-  
 14 propriation bill. The provisions of this subsection shall not apply to any  
 15 transfers to or from the public education stabilization fund.

16 5. Any apportionments in any year, made to any school district, which  
 17 may within the succeeding three (3) year period be found to have been in error  
 18 either of computation or transmittal, may be corrected during the three (3)  
 19 year period by reduction of apportionments to any school district to which  
 20 over-apportionments may have been made or received, and corresponding ad-  
 21 ditions to apportionments to any school district to which under-apportion-  
 22 ments may have been made or received.

23 SECTION 2. That Section 33-5202A, Idaho Code, be, and the same is hereby  
 24 amended to read as follows:

25 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-  
 26 quires otherwise:

27 (1) "Authorized chartering entity" means either any of the following:

28 (a) A local board of trustees of a school district in this state, or;

29 (b) The public charter school commission created pursuant to the pro-  
 30 visions of this chapter;

31 (c) An Idaho public college, university or community college;

32 (d) A private, nonprofit Idaho-based, nonsectarian college or univer-  
 33 sity that is accredited by the same organization that accredits Idaho  
 34 public colleges and universities;

35 (e) A nonsectarian charitable organization that is organized pursuant  
 36 to the provisions of section 501(c)(3) of the Internal Revenue Code,  
 37 registered with the Idaho secretary of state and has been approved as  
 38 an authorized chartering entity by the state department of education  
 39 pursuant to the provisions of section 33-5203A, Idaho Code.

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

42 (3) "Charter contract" means a fixed-term, renewable contract between  
 43 a public charter school and an authorized chartering entity that outlines  
 44 the roles, powers, responsibilities and performance expectations for each  
 45 party to the contract.

46 (4) "Founder" means a person, including employees or staff of a pub-  
 47 lic charter school, who makes a material contribution toward the establish-  
 48 ment of a public charter school in accordance with criteria determined by  
 49 the board of directors of the public charter school, and who is designated

1 as such at the time the board of directors acknowledges and accepts such con-  
 2 tribution. The criteria for determining when a person is a founder shall not  
 3 discriminate against any person on any basis prohibited by the federal or  
 4 state constitutions or any federal, state or local law. The designation of a  
 5 person as a founder, and the admission preferences available to the children  
 6 of a founder, shall not constitute pecuniary benefits.

7 (45) "Petition" means the document submitted by a person or persons to  
 8 the authorized chartering entity to request the creation of a public charter  
 9 school.

10 (56) "Professional-technical regional public charter school" means a  
 11 public charter secondary school authorized under this chapter to provide  
 12 programs in professional-technical education which meet the standards and  
 13 qualifications established by the division of professional-technical ed-  
 14 ucation. A professional-technical regional public charter school may be  
 15 approved by an authorized chartering entity and, by the terms of its char-  
 16 ter, shall operate in association with at least two (2) school districts.  
 17 Notwithstanding the provisions of section 33-5205(3) (j), Idaho Code, par-  
 18 ticipating school districts need not be contiguous.

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

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

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

28 SECTION 3. That Section 33-5203, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 33-5203. AUTHORIZATION -- LIMITATIONS. (1) The creation of public  
 31 charter schools is hereby authorized. Public charter schools shall be part  
 32 of the state's program of public education.

33 (2) New public charter schools which may begin educational instruction  
 34 in any one (1) school year shall be subject to the following:

35 (a) No whole school district may be converted to a charter district or  
 36 any configuration which includes all schools as public charter schools;  
 37 and

38 (b) A petition must be received by the initial authorized chartering  
 39 entity no later than September 1 to be eligible to begin instruction the  
 40 first complete school year following receipt of the petition; and

41 (c) To begin operations, a newly chartered public school must be autho-  
 42 rized by no later than January 1 of the previous school year.

43 (3) A public charter school may be formed either by creating a new pub-  
 44 lic charter school, which charter may be approved by any authorized char-  
 45 tering entity, or by converting an existing traditional public school to a  
 46 public charter school, which charter may only be approved by the board of  
 47 trustees of the school district in which the existing public school is lo-  
 48 cated.

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

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

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

8 (c) By the board of trustees of a school district if the public charter  
9 school's physical location is outside the boundaries of the authoriz-  
10 ing school district. ~~The limitation provided in this subsection (4) (c)~~  
11 ~~does not apply to a home-based public virtual school.~~

12 (5) A public virtual school charter may be approved by ~~the public char-~~  
13 ~~ter school commission~~ any authorized chartering entity except a local school  
14 district board of trustees. In addition, a charter may also be approved by  
15 the state board of education pursuant to section 33-5207(5) (b), Idaho Code.

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

19 (7) ~~The state board of education shall be responsible to designate~~  
20 ~~those public charter schools that will be identified~~ Each public charter  
21 school authorized by an authorized chartering entity other than a local  
22 school district board of trustees is hereby designated as a local education  
23 agency (LEA) as such term is defined in 34 CFR 300.287. ~~however, only p~~Public  
24 charter schools chartered by the board of trustees of a school district may  
25 also be designated by the board of trustees as an LEA, with the concurrence of  
26 the public charter school board of directors. Otherwise, the public charter  
27 school shall be included in that district's LEA.

28 SECTION 4. That Chapter 52, Title 33, Idaho Code, be, and the same is  
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
30 ignated as Section 33-5203A, Idaho Code, and to read as follows:

31 33-5203A. APPROVAL OF AUTHORIZED CHARTERING ENTITIES. (1) Any non-  
32 sectarian charitable organization that is organized pursuant to the provi-  
33 sions of section 501(c) (3) of the Internal Revenue Code and registered with  
34 the Idaho secretary of state may apply to the state department of education  
35 for approval to become an authorized chartering entity. The department  
36 shall establish an application form and application deadline(s) for such  
37 approvals.

38 (2) The application for approval as an authorized chartering entity  
39 shall demonstrate the applicant's ability to implement the procedures and  
40 satisfy the criteria for authorizing a public charter school under chapter  
41 52, title 33, Idaho Code. The application form shall include the following:

42 (a) How authorizing public charter schools is a way for the organiza-  
43 tion to carry out its mission;

44 (b) A description of the capacity of the organization to serve as an au-  
45 thorized chartering entity, including the personnel who will perform  
46 authorization and oversight duties, their qualifications, the amount  
47 of time they will be assigned to these responsibilities and the finan-  
48 cial resources allocated by the organization to this responsibility;

1 (c) A description of the application and review process the authorized  
2 chartering entity will use to make decisions regarding the authoriza-  
3 tion of public charter schools;

4 (d) A description of the type of contract it will execute with the pub-  
5 lic charter schools it authorizes, pursuant to section 33-5205B, Idaho  
6 Code, and the process for making decisions regarding the renewal or non-  
7 renewal of its authorized public charter schools;

8 (e) The process to be used for providing ongoing oversight of the public  
9 charter schools it authorizes, consistent with the contract;

10 (f) A description of the criteria and process the authorized chartering  
11 entity will use to grant revisions to a public charter school's petition  
12 pursuant to section 33-5206, Idaho Code; and

13 (g) An assurance that the organization is committed to serving as an au-  
14 thorized chartering entity for at least five (5) years.

15 (3) The department shall establish written criteria for approval of au-  
16 thorized chartering entities pursuant to this section, and shall approve or  
17 disapprove an application within sixty (60) days of receipt of the applica-  
18 tion. If the department disapproves the application, the department shall  
19 notify the applicant of the specific deficiencies in writing. The applicant  
20 shall have thirty (30) days to submit a revised application that addresses  
21 the identified deficiencies. Within twenty-one (21) days of the receipt of a  
22 revised application, the department shall render a final decision to approve  
23 or disapprove the application. A disapproved applicant under the provisions  
24 of this section may resubmit an application during a future application pe-  
25 riod. The department, in establishing written criteria for approval, shall  
26 consider the applicant's:

27 (a) Capacity and infrastructure;

28 (b) Application criteria and process;

29 (c) Ongoing oversight and evaluation processes; and

30 (d) Renewal criteria and processes.

31 (4) If the governing board of an authorized chartering entity approved  
32 pursuant to this section votes to withdraw as an authorized chartering  
33 entity, the authorizer must notify all of its authorized public charter  
34 schools and the department in writing by July 15 of its intent to withdraw  
35 as an authorizer on June 30 in the next calendar year. In such instances,  
36 the department may approve the transfer of a public charter school to a new  
37 authorized chartering entity approved pursuant to this section, or to the  
38 public charter school commission, with the consent of the public charter  
39 school and the commission or the receiving authorized chartering entity.

40 (5) Authorized chartering entities approved pursuant to this section  
41 shall attend department approved authorizer training.

42 (6) The department shall review the performance of authorized char-  
43 tering entities approved pursuant to this section every five (5) years, in  
44 a manner and form determined by the department, and may review such an en-  
45 tity's performance more frequently at the department's own initiative. The  
46 department, after completing the review, shall transmit a report with find-  
47 ings to the authorized chartering entity. If, consistent with this section,  
48 the department finds that an authorized chartering entity has not fulfilled  
49 the requirements of this section, the department may subject the authorized  
50 chartering entity to corrective action, which may include terminating its

1 contract with any public charter schools it authorized. The department  
 2 shall notify the authorized chartering entity in writing of any findings  
 3 that may subject the authorizer to corrective action. The authorized  
 4 chartering entity may, within twenty-one (21) days of the receipt of such  
 5 findings, request an informal hearing before the department takes correc-  
 6 tive action. If the department terminates a contract between an authorized  
 7 chartering entity and a public charter school pursuant to the provisions of  
 8 this subsection, the department may assist the charter school in acquiring a  
 9 new authorizer.

10 (7) The department may at any time take corrective action against an  
 11 authorized chartering entity approved pursuant to the provisions of this  
 12 section, including terminating an authorized chartering entity's ability to  
 13 approve new public charter schools. Such action may be taken for:

14 (a) Failing to demonstrate the criteria under subsection (3) of this  
 15 section, under which the department approved an authorized chartering  
 16 entity;

17 (b) Violating a term of the charter contract between an authorized  
 18 chartering entity and a public charter school it authorized;

19 (c) Unsatisfactory performance as an approved authorized chartering  
 20 entity;

21 (d) A consistent pattern of unsatisfactory performance by the public  
 22 charter schools approved by the authorized chartering entity; or

23 (e) Any good cause shown that provides the department a legally suffi-  
 24 cient reason to take corrective action against an authorized chartering  
 25 entity.

26 SECTION 5. That Section 33-5205, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group  
 29 of persons may petition to establish a new public charter school, or to con-  
 30 vert an existing traditional public school to a public charter school. The  
 31 purpose of the charter petition is to present the proposed public charter  
 32 school's academic and operational vision and plans, demonstrate the peti-  
 33 tioner's capacities to execute the proposed vision and plans and provide the  
 34 authorized chartering entity a clear basis for assessing the applicant's  
 35 plans and capacities. An approved charter petition shall not serve as the  
 36 school's charter contract.

37 (a) A petition to establish a new public charter school, including a  
 38 public virtual charter school, shall be signed by not fewer than thirty  
 39 (30) qualified electors of the attendance area designated in the peti-  
 40 tion, unless it is a petition for approval by an authorized chartering  
 41 entity permitted pursuant to subsection (1)(c), (1)(d) or (1)(e) of  
 42 section 33-5202A, Idaho Code. Proof of elector qualifications shall  
 43 be provided with the petition. A petition to establish a new public  
 44 charter school may be submitted directly to an authorized chartering  
 45 entity permitted pursuant to subsection (1)(c), (1)(d) or (1)(e) of  
 46 section 33-5202A, Idaho Code; provided however, that no such individual  
 47 authorized chartering entity shall approve more than one (1) new pub-  
 48 lic charter school each year within the boundaries of a single school  
 49 district. Except as provided in this paragraph, authorized chartering



1 entities permitted pursuant to the provisions of subsection (1) (c),  
2 (1) (d) or (1) (e) of section 33-5202A, Idaho Code, shall be governed by  
3 the same laws and rules in approving new public charter schools as the  
4 public charter school commission.

5 (b) A petition to establish a new public virtual school ~~must~~ shall not  
6 be submitted directly to ~~the public charter school commission~~ a local  
7 school district board of trustees. Except as provided in paragraph  
8 (a) of this subsection, a petition to establish a new public charter  
9 school, other than a new public virtual school, shall first be submitted  
10 to the local board of trustees in which the public charter school will be  
11 located. A petition shall be considered to be received by an authorized  
12 chartering entity as of the next regularly scheduled meeting of the au-  
13 thorized chartering entity after submission of the petition.

14 (c) The board of trustees may either: (i) consider the petition and  
15 approve the charter; or (ii) consider the petition and deny the charter;  
16 or (iii) refer the petition to the public charter school commission, but  
17 such referral shall not be made until the local board has documented its  
18 due diligence in considering the petition. Such documentation shall be  
19 submitted with the petition to the public charter school commission. If  
20 the petitioners and the local board of trustees have not reached mutual  
21 agreement on the provisions of the charter, after a reasonable and good  
22 faith effort, within seventy-five (75) days from the date the charter  
23 petition is received, the petitioners may withdraw their petition from  
24 the local board of trustees and may submit their charter petition to  
25 the public charter school commission. Documentation of the reason-  
26 able and good faith effort between the petitioners and the local board  
27 of trustees must be submitted with the petition to the public charter  
28 school commission.

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

32 ~~(e)~~ A petition to convert an existing traditional public school shall  
33 be submitted to the board of trustees of the district in which the school  
34 is located for review and approval. The petition shall be signed by  
35 not fewer than sixty percent (60%) of the teachers currently employed  
36 by the school district at the school to be converted, and by one (1) or  
37 more parents or guardians of not fewer than sixty percent (60%) of the  
38 students currently attending the school to be converted. Each petition  
39 submitted to convert an existing school or to establish a new charter  
40 school shall contain a copy of the articles of incorporation and the  
41 bylaws of the nonprofit corporation, which shall be deemed incorporated  
42 into the petition.

43 (2) Not later than seventy-five (75) days after receiving a petition,  
44 the authorized chartering entity shall hold a public hearing for the purpose  
45 of discussing the provisions of the charter, at which time the authorized  
46 chartering entity shall consider the merits of the petition and the level of  
47 employee and parental support for the petition. In the case of a petition  
48 submitted to the public charter school commission, such public hearing must  
49 be not later than seventy-five (75) days after receipt of the petition, which  
50 may be extended for an additional specified period of time if both parties

1 agree to an extension. Such agreement shall be established in writing and  
2 signed by representatives of both parties.

3 In the case of a petition for a public virtual charter school, if the  
4 primary attendance area described in the petition of a proposed public  
5 virtual charter school extends within the boundaries of five (5) or fewer  
6 local school districts, the ~~public charter school commission~~ prospective  
7 authorizer shall provide notice in writing of the public hearing no less  
8 than thirty (30) days prior to such public hearing to those local school  
9 districts. Such public hearing shall include any oral or written comments  
10 that an authorized representative of the local school districts may provide  
11 regarding the merits of the petition and any potential impacts on the school  
12 districts.

13 In the case of a petition for a non-virtual public charter school sub-  
14 mitted to the public charter school commission, the board of the district in  
15 which the proposed public charter school will be physically located, shall  
16 be notified of the hearing in writing, by the public charter school commis-  
17 sion, no less than thirty (30) days prior to the public hearing. Such pub-  
18 lic hearing shall include any oral or written comments that an authorized  
19 representative of the school district in which the proposed public charter  
20 school would be physically located may provide regarding the merits of the  
21 petition and any potential impacts on the school district. The hearing shall  
22 include any oral or written comments that petitioners may provide regard-  
23 ing any potential impacts on such school district. If the school district  
24 chooses not to provide any oral or written comments as provided for in this  
25 subsection ~~(2)~~, such school district shall notify the public charter school  
26 commission of such decision. This public hearing shall be an opportunity  
27 for public participation and oral presentation by the public. This hearing  
28 is not a contested case hearing as described in chapter 52, title 67, Idaho  
29 Code. Following review of any petition and any public hearing provided for  
30 in this section, the authorized chartering entity shall within seventy-five  
31 (75) days either approve or deny the charter within seventy-five (75) days  
32 after the date of the public hearing, provided however, that the date may be  
33 extended by an additional specified period of time if the petition fails to  
34 contain all of the information required in this section, or if both parties  
35 agree to the extension. Such agreement shall be established in writing and  
36 signed by representatives of both parties. This public hearing shall be an  
37 opportunity for public participation and oral presentation by the public.  
38 This hearing is not a contested case hearing as described in chapter 52, ti-  
39 tle 67, Idaho Code:

40 (a) Approve the charter;

41 (b) Deny the charter; or

42 (c) Provide a written response identifying the specific deficiencies  
43 in the petition.

44 If the authorized chartering entity exercises the option provided for  
45 in paragraph (c) of this subsection, then the petitioners may revise the pe-  
46 tition and resubmit such within thirty (30) days. Within forty-five (45)  
47 days of receiving a revised petition, the authorized chartering entity shall  
48 review the revised petition and either approve or deny the petition based  
49 upon whether the petitioners have adequately addressed the specific defi-  
50 ciencies identified in the authorized chartering entity's written response,

1 or based upon any other changes made to the petition, and upon no other crite-  
2 ria.

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

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

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

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

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

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

26 (f) The governance structure of the public charter school including,  
27 but not limited to, the person or entity who shall be legally account-  
28 able for the operation of the public charter school, and the process to  
29 be followed by the public charter school to ensure parental involve-  
30 ment.

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

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

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

45 (j) The primary attendance area of the charter school, which shall be  
46 composed of a compact and contiguous area. For the purposes of this sec-  
47 tion, if services are available to students throughout the state, the  
48 state of Idaho is considered a compact and contiguous area.

49 (k) Admission procedures, including provision for overenrollment.  
50 Such admission procedures shall provide that the initial admission

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

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

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

39 Otherwise, such children shall be included in the highest priority  
40 group for which they would otherwise be eligible.

41 (l) The manner in which annual audits of the financial and programmatic  
42 operations of the public charter school are to be conducted.

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

47 (n) A provision which ensures that all staff members of the public char-  
48 ter school will be covered by the public employee retirement system,  
49 federal social security, unemployment insurance, worker's compensa-  
50 tion insurance, and health insurance.

1 (o) If the public charter school is a conversion of an existing tra-  
 2 ditional public school, tThe public school attendance alternative for  
 3 students residing within the school district who choose not to attend  
 4 the public charter school.

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

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

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

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

19 (t) The process by which the citizens in the primary attendance area  
 20 shall be made aware of the enrollment opportunities of the public char-  
 21 ter school.

22 (u) A proposal for transportation services including estimated first  
 23 year costs.

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

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

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

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

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

34 (4) ~~The public charter school commission~~ An authorized chartering en-  
 35 tity, except for a school district board of trustees, may approve a charter  
 36 for a public virtual school under the provisions of this chapter only if it  
 37 determines that the petition contains the requirements of subsections (3)  
 38 and (5) of this section and the additional statements describing the follow-  
 39 ing:

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

41 (b) The role of the online teacher, including the consistent availabil-  
 42 ity of the teacher to provide guidance around course material, methods  
 43 of individualized learning in the online course and the means by which  
 44 student work will be assessed;

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

47 (d) The means by which public virtual school students will receive  
 48 appropriate teacher-to-student interaction, including timely and fre-  
 49 quent feedback about student progress;

1 (e) The means by which the public virtual school will verify student at-  
 2 tendance and award course credit. Attendance at public virtual schools  
 3 shall focus primarily on coursework and activities that are correlated  
 4 to the Idaho state thoroughness standards;

5 (f) A plan for the provision of technical support relevant to the deliv-  
 6 ery of online courses;

7 (g) The means by which the public virtual school will provide opportu-  
 8 nity for student-to-student interaction; and

9 (h) A plan for ensuring equal access to all students, including the pro-  
 10 vision of necessary hardware, software and internet connectivity re-  
 11 quired for participation in online coursework.

12 (5) The petitioner shall provide information regarding the proposed  
 13 operation and potential effects of the public charter school including, but  
 14 not limited to, the facilities to be utilized by the public charter school,  
 15 the manner in which administrative services of the public charter school  
 16 are to be provided and the potential civil liability effects upon the public  
 17 charter school and upon the authorized chartering entity.

18 (6) An initial charter, if approved, shall be granted for a term of  
 19 three (3) operating years. This term shall commence on the public charter  
 20 school's first day of operation.

21 SECTION 6. That Section 33-5205A, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 33-5205A. TRANSFER OF CHARTER. (1) A charter and charter contract for  
 24 a public charter school approved by the board of trustees of a local school  
 25 district may be transferred to, and placed under the chartering authority  
 26 of, the public charter school commission any authorized chartering entity  
 27 if the board of trustees of such local school district current authorizer,  
 28 the public charter school commission receiving authorizer, and the board of  
 29 directors of the public charter school all agree to such transfer, includ-  
 30 ing any revision to the charter and charter contract that may be required  
 31 in connection with such transfer. A charter for a public charter school ap-  
 32 proved by the public charter school commission may be transferred to, and  
 33 placed under the chartering authority of, the board of trustees of the local  
 34 school district in which the public charter school is located if the public  
 35 charter school commission, the board of trustees of such local school dis-  
 36 trict, and the board of directors of the public charter school all agree to  
 37 such transfer, including any revisions to the charter that may be required  
 38 in connection with such transfer. Provided however, that a charter and char-  
 39 ter contract shall not be transferred to a school district board of trustees  
 40 in which the public charter school is not physically located. A request to  
 41 transfer a charter may be initiated by the board of directors of a public  
 42 charter school or by the authorized chartering entity with chartering au-  
 43 thority over the charter of such public charter school.

44 (2) A public charter school, authorized by the public charter school  
 45 commission any authorized chartering entity except a school district board  
 46 of trustees, which has a primary attendance area located within more than  
 47 one (1) school district, may transfer the physical location of its public  
 48 charter school within its primary attendance area to locate the facilities  
 49 within the boundaries of another school district within the primary atten-

1 dance area if the ~~public charter school commission~~ authorized chartering  
2 entity, the board of trustees of each of the relevant school districts and  
3 the board of directors of the public charter school all approve of such  
4 transfer of facilities location, and if the ~~public charter school commission~~  
5 authorized chartering entity approves any revisions to the charter that may  
6 be required in connection with such transfer.

7 (3) If all parties fail to reach agreement in regard to the request to  
8 transfer a charter and charter contract, as required herein, then the mat-  
9 ter may be appealed directly to the state board of education. With respect  
10 to such appeal, the state board of education shall substantially follow the  
11 procedure as provided in section 33-5207(5)(b), Idaho Code. A transferred  
12 charter school shall not be considered a new public charter school ~~and shall~~  
13 ~~not be subject to the limitations of section 33-5203(2), Idaho Code.~~

14 SECTION 7. That Chapter 52, Title 33, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 33-5205B, Idaho Code, and to read as follows:

17 33-5205B. CHARTER CONTRACTS. (1) Within seventy-five (75) days of ap-  
18 proval of a charter application, the authorized chartering entity and the  
19 governing board of the approved public charter school shall execute a char-  
20 ter contract that clearly sets forth the academic and operational perfor-  
21 mance expectations and measures by which the public charter school will be  
22 judged and the administrative relationship between the authorized charter-  
23 ing entity and public charter school, including each party's rights and du-  
24 ties. The performance expectations and measures set forth in the charter  
25 contract shall include, but need not be limited to, applicable federal and  
26 state accountability requirements. The performance provisions may be re-  
27 fined or amended by mutual agreement after the public charter school is oper-  
28 ating and has collected baseline achievement data for its enrolled students.

29 (2) The charter contract shall be signed by the president of the autho-  
30 rized chartering entity's governing board and the president of the public  
31 charter school's governing body. Within fourteen (14) days of executing a  
32 charter contract, the authorized chartering entity shall submit to the state  
33 board of education written notification of the charter contract execution,  
34 including a copy of the charter contract.

35 (3) No public charter school may commence operations without a charter  
36 contract executed in accordance with this provision and approved in an open  
37 meeting of the authorized chartering entity's governing board.

38 (4) All public charter schools approved prior to July 1, 2013, shall  
39 execute charter contracts with their authorizers no later than July 1, 2014.  
40 Such contracts shall ensure that each public charter school approved prior  
41 to July 1, 2014, is evaluated for renewal or nonrenewal between March 1,  
42 2016, and March 1, 2019.

43 SECTION 8. That Section 33-5206, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 33-5206. REQUIREMENTS AND PROHIBITIONS UPON APPROVAL OF A PUBLIC  
46 CHARTER SCHOOL. (1) In addition to any other requirements imposed in this  
47 chapter, a public charter school shall be nonsectarian in its programs,

1 affiliations, admission policies, employment practices, and all other op-  
2 erations, shall not charge tuition, levy taxes or issue bonds, and shall  
3 not discriminate against any student on any basis prohibited by the federal  
4 or state constitutions or any federal, state or local law. Admission to  
5 a public charter school shall not be determined according to the place of  
6 residence of the student, or of the student's parent or guardian within the  
7 district, except that a new or conversion public charter school established  
8 under the provisions of this chapter shall adopt and maintain a policy giving  
9 admission preference to students who reside within the primary attendance  
10 area of that public charter school.

11 (2) No board of trustees shall require any employee of the school dis-  
12 trict to be involuntarily assigned to work in a public charter school.

13 (3) Certified teachers in a public charter school shall be considered  
14 public school teachers. Educational experience shall accrue for service in  
15 a public charter school and such experience shall be counted by any school  
16 district for any teacher who has been employed in a public charter school.

17 (4) Employment of charter school teachers and administrators shall be  
18 on written contract in form as approved by the state superintendent of public  
19 instruction, conditioned upon a valid certificate being held by such profes-  
20 sional personnel at the time of entering upon the duties thereunder.

21 (5) No board of trustees shall require any student enrolled in the  
22 school district to attend a public charter school.

23 (6) ~~Upon approval of the petition by the authorized chartering entity,~~  
24 ~~the petitioner shall provide written notice of that approval, including a~~  
25 ~~copy of the approved petition, to the state board of education. For the pur-~~  
26 ~~pose of implementing the provisions of section 33-5203(2), Idaho Code, the~~  
27 ~~state board of education shall assign a number to each petition it receives.~~  
28 ~~Petitions shall be numbered based on the chronological order in which no-~~  
29 ~~tice of the approved petition is received by the state board of education~~  
30 Authorized chartering entities may establish reasonable pre-opening re-  
31 quirements or conditions to monitor the start-up progress of newly approved  
32 public charter schools and ensure that they are prepared to open smoothly on  
33 the date agreed, and to ensure that each school meets all building, health,  
34 safety, insurance and other legal requirements for school opening.

35 (7) ~~Each public charter school shall annually submit a report to the~~  
36 ~~authorized chartering entity which approved its charter. The report shall~~  
37 ~~contain the audit of the fiscal and programmatic operations as required in~~  
38 ~~section 33-5205(3) (1), Idaho Code, a report on student progress based on the~~  
39 ~~public charter school's measurable student educational standards identi-~~  
40 ~~fied in section 33-5205(3) (b), Idaho Code, and a copy of the public charter~~  
41 ~~school's accreditation report to the authorized chartering entity that ap-~~  
42 ~~proved its charter.~~

43 (8) A public charter school or the authorized chartering entity may  
44 enter into negotiations to revise its a charter or charter contract at any  
45 time. A If a public charter school may petitions to revise its charter or  
46 charter contract, at any time. The the authorized chartering entity's re-  
47 view of the revised petition shall be limited in scope solely to the proposed  
48 revisions. In those instances where Except for public charter schools au-  
49 thorized by a school district board of trustees, when a non-virtual public  
50 charter school submits a proposed charter revision to the public charter



1 ~~school commission~~ its authorized chartering entity and such revision in-  
2 cludes a proposal to increase such public charter school's approved student  
3 enrollment cap by ten percent (10%) or more, the ~~commission~~ authorized  
4 chartering entity shall hold a public hearing on such petition. The ~~public~~  
5 ~~charter school commission~~ authorized chartering entity shall provide the  
6 board of the local school district in which the public charter school is  
7 physically located, notice in writing of such hearing, no later than thirty  
8 (30) days prior to the hearing. The public hearing shall include any oral or  
9 written comments that an authorized representative of the school district in  
10 which the public charter school is physically located may provide regarding  
11 the impact of the proposed charter revision upon the school district. Such  
12 public hearing shall also include any oral or written comments that any pe-  
13 titioner may provide regarding the impact of the proposed charter revision  
14 upon such school district.

15 (9) When a charter is nonrenewed pursuant to the provisions of section  
16 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or  
17 the board of directors of the public charter school terminates the charter,  
18 the assets of the public charter school remaining after all debts of the pub-  
19 lic charter school have been satisfied must be returned to the authorized  
20 chartering entity for distribution in accordance with applicable law.

21 SECTION 9. That Section 33-5207, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 33-5207. CHARTER APPEAL PROCEDURE. (1) If a local school board of  
24 trustees, acting in its capacity as an authorized chartering entity, ap-  
25 proves a petition for the conversion of an existing traditional public  
26 school within the school district over the objection of thirty (30) or more  
27 persons or employees of the district, or if an authorized chartering entity  
28 denies a petition for the establishment of a new public charter school for  
29 any reason including, but not limited to, failure by the petitioner to fol-  
30 low procedures or for failure to provide required information, then such  
31 decisions may be appealed to the state superintendent of public instruction  
32 within thirty (30) days of the date of the written decision, at the request of  
33 persons opposing the conversion of an existing traditional public school, or  
34 at the request of the petitioner whose request for a new charter was denied.

35 (2) The state superintendent of public instruction shall select a  
36 hearing officer to review the action of the authorized chartering entity,  
37 pursuant to section 67-5242, Idaho Code. The hearing officer shall, within  
38 thirty (30) days of receipt of the request, review the full record regard-  
39 ing the charter petition and convene a public hearing regarding the charter  
40 petition. Within ten (10) days of the public hearing, the hearing officer  
41 shall submit a written recommendation to the authorized chartering en-  
42 tity and to the persons requesting the review. The recommendation by the  
43 hearing officer either to affirm or reverse the decision of the authorized  
44 chartering entity shall be based upon the full record regarding the charter  
45 petition, including the standards and criteria contained in this chapter and  
46 upon any public charter school rules adopted by the state board of education.  
47 The recommendation shall be in writing and accompanied by a reasoned state-  
48 ment that explains the criteria and standards considered relevant, states  
49 the relevant contested facts relied upon, and explains the rationale for the

1 recommendations based on the applicable statutory provisions and factual  
2 information contained in the record.

3 (3) Within thirty (30) days following receipt of the hearing officer's  
4 written recommendation, the authorized chartering entity shall hold a meet-  
5 ing open to the public for the purpose of reviewing the hearing officer's  
6 written recommendation. Within ten (10) days of such meeting, the autho-  
7 rized chartering entity shall either affirm or reverse its initial decision.  
8 The authorized chartering entity's decision shall be in writing and contain  
9 findings which explain the reasons for its decision.

10 (4) If, upon reconsideration of a decision to approve the conversion  
11 of a traditional public school to a public charter school, the local school  
12 board:

13 (a) Affirms its initial decision to authorize such conversion, the  
14 charter shall be approved and there shall be no further appeal.

15 (b) Reverses its initial decision and denies the conversion, that deci-  
16 sion is final and there shall be no further appeal.

17 (5) If, upon reconsideration of a decision to deny a petition for a pub-  
18 lic charter school, the authorized chartering entity:

19 (a) Reverses its initial decision and approves the public charter  
20 school petition, there shall be no further appeal.

21 (b) Affirms its initial decision denying the public charter school pe-  
22 tition, the board of directors of the nonprofit corporation identified  
23 in the petition may appeal to the state board of education. The state  
24 board of education shall hold a public hearing within a reasonable time  
25 after receiving notice of such appeal but no later than sixty (60) cal-  
26 endar days after receiving such notice, and after the public hearing,  
27 shall take any of the following actions: (i) approve or deny the pe-  
28 tition for the public charter school, provided that the state board of  
29 education shall only approve the petition if it determines that the au-  
30 thorized chartering entity failed to appropriately consider the char-  
31 ter petition, or if it acted in an arbitrary manner in denying the pe-  
32 tition; ~~or (ii) remand the matter back to the authorized chartering en-  
33 tity, which shall have authority to further review and act on such mat-  
34 ter as directed by the state board of education; or (iii) in the case of  
35 a denial by the board of a local school district, redirect the matter  
36 to another authorized chartering entity the public charter school com-  
37 mission for further review as directed by the state board of education.~~  
38 Such public hearing shall be conducted pursuant to procedures as set by  
39 the state board of education.

40 (6) A public charter school for which a charter is approved by the state  
41 board of education shall qualify fully as a public charter school for all  
42 funding and other purposes of this chapter. The public charter school com-  
43 mission shall assume the role of the authorized chartering entity for any  
44 charter approved by the state board of education as provided in subsection  
45 (5) (b) of this section. Employees of a public charter school approved by  
46 the state board of education shall not be considered employees of the local  
47 school district in which the public charter school is located, nor of the  
48 state board of education, nor of the commission.

49 (7) The decision of the state board of education shall be subject to re-  
50 view pursuant to chapter 52, title 67, Idaho Code. Nothing in this section

1 shall prevent a petitioner from bringing a new petition for a public charter  
2 school at a later time.

3 (8) There shall be no appeal of a decision by a local school board of  
4 trustees which denies the conversion of an existing traditional public  
5 school within that district to a public charter school, or by an authorized  
6 chartering entity which approves a petition for a public charter school.

7 SECTION 10. That Section 33-5208, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided  
10 in subsection (8) of this section, from the state educational support pro-  
11 gram the state department of education shall make the following apportion-  
12 ment to each public charter school for each fiscal year based on attendance  
13 figures submitted in a manner and time as required by the department of edu-  
14 cation:

15 (1) Per student support. Computation of support units for each public  
16 charter school shall be calculated as if it were a separate school accord-  
17 ing to the schedules in section 33-1002(4), Idaho Code, except that public  
18 charter schools with fewer than one hundred (100) secondary ADA shall use a  
19 divisor of twelve (12) and the minimum units shall not apply, and no public  
20 charter school shall receive an increase in support units that exceeds the  
21 support units it received in the prior year by more than thirty (30). Funding  
22 from the state educational support program shall be equal to the total dis-  
23 tribution factor, plus the salary-based apportionment provided in chapter  
24 10, title 33, Idaho Code. Provided however, any public charter school that  
25 is formed by the conversion of an existing traditional public school shall  
26 be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no  
27 lower than the divisors of the school district in which the traditional pub-  
28 lic school is located, for each category of pupils listed.

29 (2) Special education. For each student enrolled in the public charter  
30 school who is entitled to special education services, the state and federal  
31 funds from the exceptional child education program for that student that  
32 would have been apportioned for that student to the school district in which  
33 the public charter school is located.

34 (3) Alternative school support. Public charter schools may qualify un-  
35 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
36 the public charter school meets the necessary statutory requirements, and  
37 students qualify for attendance at an alternative school as provided by rule  
38 of the state board of education.

39 (4) Transportation support. Support shall be paid to the public char-  
40 ter school as provided in chapter 15, title 33, Idaho Code, and section  
41 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
42 ment with an enrollment count as of the first Friday in November, of public  
43 charter school students who are eligible for reimbursement of transporta-  
44 tion costs under the provisions of this subsection and who reside more than  
45 one and one-half (1 1/2) miles from the school. The state department of edu-  
46 cation is authorized to include in the annual appropriation to the charter  
47 school sixty percent (60%) of the estimated transportation cost. The final  
48 appropriation payment in July shall reflect reimbursements of actual costs  
49 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-

1 ment under the provisions of section 33-1006, Idaho Code, the student to be  
2 transported must reside within the public charter school's primary atten-  
3 dance area, and must meet at least one (1) of the following two (2) criteria:

4 (a) The student resides within the school district in which the public  
5 charter school is physically located; or

6 (b) The student resides within fifteen (15) miles of the public charter  
7 school, by road.

8 The limitations placed by this subsection on the reimbursement of  
9 transportation costs for certain students shall not apply to public virtual  
10 schools.

11 (5) Payment schedule. The state department of education is authorized  
12 to make an advance payment of twenty-five percent (25%) of a public charter  
13 school's estimated annual apportionment for its first year of operation, and  
14 each year thereafter, provided the public charter school ~~has an increase of~~  
15 ~~student population in any given year of twenty (20) students or more is serv-~~  
16 ~~ing more grades or at least ten percent (10%) more classes than the previ-~~  
17 ~~ous year,~~ to assist the school with initial start-up costs or payroll obli-  
18 gations. For a public charter school entering its second or greater year of  
19 operations, the state department of education may require documentation es-  
20 tablishing the need for such an advance payment, including comparative class  
21 schedules and proof of a commensurate increase in the number of employees.

22 (a) For a public charter school to receive the advance payment, the  
23 school shall submit its anticipated fall membership for each grade  
24 level to the state department of education by June 1.

25 (b) Using the figures provided by the public charter school, the state  
26 department of education shall determine an estimated annual apportion-  
27 ment from which the amount of the advance payment shall be calculated.  
28 Advance payment shall be made to the school on or after July 1 but no  
29 later than July 31.

30 (c) All subsequent payments, taking into account the one-time advance  
31 payment made for the first year of operation, shall be made to the public  
32 charter school in the same manner as other traditional public schools in  
33 accordance with the provisions of section 33-1009, Idaho Code.

34 A public charter school shall comply with all applicable fiscal requirements  
35 of law, except that the following provisions shall not be applicable to pub-  
36 lic charter schools: that portion of section 33-1004, Idaho Code, relating  
37 to reduction of the administrative and instructional staff allowance when  
38 there is a discrepancy between the number allowed and the number actually em-  
39 ployed; and section 33-1004E, Idaho Code, for calculation of district staff  
40 indices.

41 (6) Nothing in this chapter shall be construed to prohibit any private  
42 person or organization from providing funding or other financial assistance  
43 to the establishment or operation of a public charter school.

44 (7) Nothing in this chapter shall prevent a public charter school from  
45 applying for federal grant moneys.

46 (8) (a) Each student in attendance at a public virtual school shall be  
47 funded based upon either the actual hours of attendance in the public  
48 virtual school on a flexible schedule, or the percentage of coursework  
49 completed, whichever is more advantageous to the school, up to the maxi-  
50 mum of one (1) full-time equivalent student.

1 (b) All federal educational funds shall be administered and dis-  
2 tributed to public charter schools, including public virtual schools,  
3 that have been designated ~~by the state board of education~~ as a local edu-  
4 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

5 (9) Nothing in this section prohibits separate face-to-face learning  
6 activities or services.

7 (10) The provisions of section 33-1021, Idaho Code, shall apply to pub-  
8 lic charter schools provided for in this chapter.

9 SECTION 11. That Section [33-5209](#), Idaho Code, be, and the same is hereby  
10 repealed.

11 SECTION 12. That Chapter 52, Title 33, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 33-5209A, Idaho Code, and to read as follows:

14 33-5209A. ACCOUNTABILITY. (1) Performance framework. The perfor-  
15 mance provisions within the charter contract shall be based upon a perfor-  
16 mance framework that clearly sets forth the academic and operational perfor-  
17 mance indicators, measures and metrics that will guide the authorized char-  
18 tering entity's evaluations of each public charter school. The performance  
19 framework shall include indicators, measures and metrics for, at a minimum:

20 (a) Student academic proficiency;

21 (b) Student academic growth;

22 (c) College and career readiness (for high schools); and

23 (d) Board performance and stewardship, including compliance with all  
24 applicable laws, regulations and terms of the charter contract.

25 (2) Measurable performance targets shall be set by each public charter  
26 school in conjunction with its authorized chartering entity and shall, at a  
27 minimum, require that each school meet applicable federal, state and autho-  
28 rized chartering entity goals for student achievement.

29 (3) The performance framework shall allow the inclusion of additional  
30 rigorous, valid and reliable indicators proposed by a public charter school  
31 to augment external evaluations of its performance, provided that the au-  
32 thorized chartering entity approves the quality and rigor of such school-  
33 proposed indicators, and that they are consistent with the purposes of this  
34 chapter.

35 (4) For each public charter school it oversees, the authorized char-  
36 tering entity shall be responsible for analyzing and reporting all data from  
37 state assessments in accordance with the performance framework.

38 SECTION 13. That Chapter 52, Title 33, Idaho Code, be, and the same is  
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
40 ignated as Section 33-5209B, Idaho Code, and to read as follows:

41 33-5209B. CHARTER RENEWALS. (1) A charter may be renewed for succes-  
42 sive five (5) year terms of duration. An authorized chartering entity may  
43 grant renewal with specific, written conditions for necessary improvements  
44 to a public charter school. Any such specific, written conditions shall  
45 state the date by which the conditions must be met.

1 (2) Following the initial three (3) year term, an authorized chartering  
2 entity may nonrenew or grant renewal for an additional five (5) years, based  
3 upon the performance of the public charter school on the performance indi-  
4 cators, measures and metrics contained in the charter contract. Subsequent  
5 renewals shall be for a term of five (5) years.

6 (3) No later than November 15, the authorized chartering entity shall  
7 issue a public charter school performance report and charter renewal appli-  
8 cation guidance to any public charter school whose charter will expire the  
9 following year. The performance report shall summarize the public charter  
10 school's performance record to date, based upon the data required by this  
11 chapter and the charter contract, and shall provide notice of any weaknesses  
12 or concerns determined by the authorized chartering entity concerning the  
13 public charter school that may jeopardize its position in seeking renewal,  
14 if not timely rectified. The public charter school shall have thirty (30)  
15 days to respond to the performance report and submit any corrections or clar-  
16 ifications for the report.

17 (4) The renewal application guidance shall, at a minimum, provide an  
18 opportunity for the public charter school to:

19 (a) Present additional evidence, beyond the data contained in the per-  
20 formance report, supporting its case for charter renewal; and

21 (b) Describe improvements undertaken or planned for the school.

22 (5) The renewal application guidance shall include or refer explicitly  
23 to the criteria that will guide the authorized chartering entity's renewal  
24 decisions, which shall be based on independent fiscal audits and the perfor-  
25 mance framework set forth in the charter contract.

26 (6) No later than December 15, the governing board of a public charter  
27 school seeking renewal shall submit a renewal application to the authorized  
28 chartering entity pursuant to the renewal application guidance issued by the  
29 authorized chartering entity. The authorized chartering entity shall vote  
30 on the renewal application no later than March 15.

31 (7) In making charter renewal decisions, every authorized chartering  
32 entity shall:

33 (a) Ground its decisions in evidence of the school's performance over  
34 the term of the charter contract in accordance with the performance  
35 framework set forth in the charter contract;

36 (b) Ensure that data used in making renewal decisions are available to  
37 the school and the public; and

38 (c) Provide a public report summarizing the evidence basis for each de-  
39 cision.

40 (8) An authorized chartering entity must develop revocation and nonre-  
41 newal processes that:

42 (a) Provide the charter holders with a timely notification of the  
43 prospect of revocation or nonrenewal and of the reasons for such possi-  
44 ble closure, which shall be limited to failure to meet the terms of the  
45 charter contract or the written conditions established pursuant to the  
46 provisions of subsection (1) of this section;

47 (b) Allow the charter holders a reasonable amount of time in which to  
48 prepare a response;

49 (c) Provide the charter holders with an opportunity to submit documents  
50 and give testimony challenging the rationale for closure and in support

1 of the continuation of the school at an orderly proceeding held for that  
2 purpose;

3 (d) Allow the charter holders to be represented by counsel and to call  
4 witnesses on their behalf;

5 (e) Permit the recording of such proceedings; and

6 (f) After a reasonable period for deliberation, require a final deter-  
7 mination to be made and conveyed in writing to the charter holders.

8 (9) An authorized chartering entity shall renew any charter in which  
9 the public charter school met all of the terms of its charter contract at the  
10 time of renewal. An authorized chartering entity may renew or nonrenew any  
11 charter in which the public charter school failed to meet one (1) or more of  
12 the terms of its charter contract.

13 SECTION 14. That Chapter 52, Title 33, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 33-5209C, Idaho Code, and to read as follows:

16 33-5209C. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized  
17 chartering entity shall continually monitor the performance and legal com-  
18 pliance of the public charter schools it oversees, including collecting  
19 and analyzing data to support ongoing evaluation according to the charter  
20 contract. Every authorized chartering entity shall have the authority to  
21 conduct or require oversight activities that enable the authorized char-  
22 tering entity to fulfill its responsibilities pursuant to the provisions  
23 of this chapter, including conducting appropriate inquiries and investi-  
24 gations, so long as those activities are consistent with the intent of this  
25 chapter, adhere to the terms of the charter contract and do not unduly in-  
26 hibit the autonomy granted to public charter schools.

27 (2) Each authorized chartering entity shall annually publish and make  
28 available to the public a performance report for each public charter school  
29 it oversees, in accordance with the performance framework set forth in the  
30 charter contract and section 33-5209A, Idaho Code. The authorized charter-  
31 ing entity may require each public charter school it oversees to submit an  
32 annual report to assist the authorized chartering entity in gathering com-  
33 plete information about each school consistent with the performance frame-  
34 work. Each public charter school shall publish its annual performance re-  
35 port on the school's website.

36 (3) If an authorized chartering entity has reason to believe that a pub-  
37 lic charter school cannot remain fiscally sound for the remainder of its con-  
38 tract term, it shall provide the state department of education with written  
39 notification of such concern. Upon receiving such notification, the state  
40 department of education shall have the authority to modify the percentage of  
41 the total appropriation to be paid to the public charter school pursuant to  
42 the provisions of section 33-1009(1), Idaho Code, such that equal percent-  
43 ages are paid on each of the prescribed dates.

44 (4) If an authorized chartering entity has reason to believe that a pub-  
45 lic charter school has violated any provision of law, it shall notify the  
46 public charter school and the entity responsible for administering said law  
47 of the possible violation.

1 (5) If an authorized chartering entity revokes or does not renew a char-  
 2 ter, the authorized chartering entity shall clearly state, in a resolution  
 3 of its governing board, the reasons for the revocation or nonrenewal.

4 (6) Within fourteen (14) days of taking action to renew, not renew or  
 5 revoke a charter, the authorized chartering entity shall report to the state  
 6 board of education the action taken and shall provide a copy of the report to  
 7 the public charter school at the same time that the report is submitted to the  
 8 state board of education. The report shall include a copy of the authorized  
 9 chartering entity's resolution setting forth the action taken and reasons  
 10 for the decision and assurances as to compliance with all of the requirements  
 11 set forth in this chapter.

12 (7) A charter may be revoked by the authorized chartering entity if the  
 13 public charter school has failed to meet any of the specific, written condi-  
 14 tions for necessary improvements established pursuant to the provisions of  
 15 section 33-5209B(1), Idaho Code, by the dates specified. Revocation may not  
 16 occur until the public charter school has been afforded a public hearing, un-  
 17 less the authorized chartering entity determines that the continued opera-  
 18 tion of the public charter school presents an imminent public safety issue,  
 19 in which case the charter may be revoked immediately. Public hearings shall  
 20 be conducted by the authorized chartering entity or such other person or per-  
 21 sons appointed by the authorized chartering entity to conduct public hear-  
 22 ings and receive evidence as a contested case in accordance with the provi-  
 23 sions of section 67-5242, Idaho Code. Notice and opportunity to reply shall  
 24 include, at a minimum, written notice setting out the basis for considera-  
 25 tion of revocation, a period of not less than thirty (30) days within which  
 26 the public charter school can reply in writing, and a public hearing within  
 27 thirty (30) days of the receipt of the written reply.

28 (8) A decision to revoke or nonrenew a charter or to deny a revision of  
 29 a charter may be appealed directly to the state board of education. With  
 30 respect to such appeal, the state board of education shall substantially  
 31 follow the procedure as provided in section 33-5207(5) (b), Idaho Code. In  
 32 the event the state board of education reverses a decision of revocation or  
 33 nonrenewal, the public charter school subject to such action shall then be  
 34 placed under the chartering authority of the public charter school commis-  
 35 sion.

36 SECTION 15. That Section 33-5211, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 33-5211. TECHNICAL SUPPORT AND INFORMATION. (1) The state department  
 39 of education shall provide technical assistance to persons or groups prepar-  
 40 ing or revising charter petitions and to existing public charter schools in  
 41 the same manner as such assistance is provided to traditional public schools  
 42 and school districts.

43 (2) Upon request, the state department of education shall provide the  
 44 following information concerning a public charter school whose petition has  
 45 been approved:

46 (a) The public charter school's ~~petition.~~ charter and charter con-  
 47 tract;

48 (b) The annual audit performed at the public charter school pursuant to  
 49 the public charter school ~~petition;~~ and



1 (c) Any written report by the state board of education to the leg-  
2 islature reviewing the educational effectiveness of public charter  
3 schools.

4 (3) At least one (1) person among a group of petitioners of a prospec-  
5 tive public charter school shall attend a public charter school workshop  
6 offered by the state department of education. The state department of ed-  
7 ucation shall provide notice of dates and locations when workshops will be  
8 held and shall provide proof of attendance to workshop attendees. Such proof  
9 shall be submitted by the petitioners to an authorized chartering entity  
10 along with the charter petition.

11 (4) Prior to submission of a petition for a new or conversion public  
12 charter school to an authorized chartering entity, the state department of  
13 education must conduct a sufficiency review of the petition and provide to  
14 the petitioners, in writing, the findings of such review.

15 SECTION 16. That Chapter 52, Title 33, Idaho Code, be, and the same is  
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
17 ignated as Section 33-5212, Idaho Code, and to read as follows:

18 33-5212. SCHOOL CLOSURE AND DISSOLUTION. (1) Prior to any public  
19 charter school closure decision, an authorized chartering entity shall have  
20 developed a public charter school closure protocol to ensure timely notifi-  
21 cation to parents, orderly transition of students and student records to new  
22 schools, and proper disposition of school funds, property and assets in ac-  
23 cordance with the requirements of this chapter. The protocol shall specify  
24 tasks, timelines and responsible parties, including delineating the respec-  
25 tive duties of the school and the authorized chartering entity. In the event  
26 of a public charter school closure for any reason, the authorized chartering  
27 entity shall oversee and work with the closing school to ensure a smooth and  
28 orderly closure and transition for students and parents, as guided by the  
29 closure protocol. The closing school's board of directors shall be respon-  
30 sible for executing the school's closure.

31 (2) In the event of a public charter school closure for any reason,  
32 the assets of the school shall be distributed first to satisfy outstanding  
33 payroll obligations for employees of the school, including any tax, public  
34 employee retirement system and other employee benefit obligations, then to  
35 creditors of the school, and then to the authorized chartering entity in the  
36 case of a public charter school authorized by the board of a local school  
37 district. In the case of a public charter school authorized by any other  
38 authorized chartering entity, any remaining assets shall be distributed to  
39 the public school income fund. Assets purchased using federal funds shall be  
40 returned to the authorized chartering entity for redistribution among other  
41 public charter schools. If the assets of the school are insufficient to pay  
42 all parties to whom the school owes compensation, the prioritization of the  
43 distribution of assets may be determined by decree of a court of law.

44 SECTION 17. That Section 33-5213, Idaho Code, be, and the same is hereby  
45 amended to read as follows:

46 33-5213. PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby  
47 created an independent public charter school commission, referred to here-

1 inafter as the commission, to be located in the office of the state board of  
 2 education, pursuant to section 33-105, Idaho Code. It shall be the respon-  
 3 sibility and duty of the executive director of the state board of education  
 4 acting at the direction of the commission to administer and enforce the  
 5 provisions of this chapter, and the director or his designee shall serve as  
 6 secretary to the commission.

7 (2) The public charter school commission shall adopt rules, subject to  
 8 law, regarding the governance and administration of the commission.

9 (3) The commission shall be composed of seven (7) members:

10 (a) ~~Three (3) members shall be current or former members of boards of~~  
 11 ~~directors of Idaho public charter schools and shall be appointed by the~~  
 12 ~~governor, subject to the advice and consent of the senate; provided how-~~  
 13 ~~ever, that no current board member of a public charter school authorized~~  
 14 ~~by the commission shall be eligible for appointment;~~

15 (b) ~~Three (3) Two (2) members shall be current or former trustees of an~~  
 16 ~~Idaho school district and shall be appointed by the governor, subject to~~  
 17 ~~the advice and consent of the senate~~ speaker of the house of representa-  
 18 tives; and

19 (c) ~~One (1) Two (2) members shall be a member of the public at large not~~  
 20 ~~directly associated with the Idaho public education system and shall be~~  
 21 ~~appointed by the governor, subject to the advice and consent of the sen-~~  
 22 ~~ate~~ president pro tempore of the senate.

23 Commissioner appointments made pursuant to this section prior to July 1,  
 24 2013, shall remain valid through the duration of the term to which each  
 25 commissioner was appointed. To establish a transition to the appointing au-  
 26 thority structure contained in this subsection, the first four (4) appoint-  
 27 ments available on or after July 1, 2013, shall be made in an alternating  
 28 sequence for each appointment by the speaker of the house of representatives  
 29 and the president pro tempore of the senate, followed by three (3) appoint-  
 30 ments by the governor. Subsequent appointments shall be made by the same  
 31 appointing authority that originally appointed the commissioner whose term  
 32 expired.

33 The term of office for commission members shall be four (4) years. In mak-  
 34 ing such appointments, the ~~governor~~ appointing authorities shall consider  
 35 regional balance. Members appointed to the commission shall collectively  
 36 possess strong experience and expertise in public and nonprofit governance,  
 37 management and finance, public school leadership, assessment, curriculum  
 38 and instruction and public education law. All members of the commission  
 39 shall have demonstrated understanding of and commitment to charter schools  
 40 as a strategy for strengthening public education. No commissioner shall  
 41 serve more than two (2) consecutive four (4) year terms. Members of the  
 42 commission shall hold office until the expiration of the term to which the  
 43 member was appointed and until a successor has been duly appointed, unless  
 44 sooner removed for cause by the appointing authority. Whenever a vacancy  
 45 occurs, the appointing authority shall appoint a qualified person to fill  
 46 the vacancy for the unexpired portion of the term.

47 (4) All members of the commission shall be citizens of the United States  
 48 and residents of the state of Idaho for not less than two (2) years.

1           (5) The members of the commission shall, at their first regular meet-  
2     ing following the effective date of this act, and every two (2) years there-  
3     after, elect, by a majority vote of the members of the commission, a chairman  
4     and a vice-chairman. The chairman shall preside at meetings of the commis-  
5     sion, and the vice-chairman shall preside at such meetings in the absence of  
6     the chairman. A majority of the members of the commission shall constitute a  
7     quorum. The commission shall meet at such times and places as determined to  
8     be necessary and convenient, or at the call of the chair.

9           (6) Each member of the commission not otherwise compensated by public  
10    moneys shall be compensated as provided in section 59-509 (h), Idaho Code.

11           SECTION 18. Section 10 of this act shall be in full force and effect on  
12    and after June 1, 2014. All other sections of this act shall be in full force  
13    and effect on and after July 1, 2013.