

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 308

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE,  
2 TO PROVIDE THAT CERTAIN CODE PROVISIONS RELATING TO PUPIL SERVICE STAFF  
3 ALLOWANCE DO NOT APPLY TO PUBLIC CHARTER SCHOOLS.  
4

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

6 SECTION 1. That Section 33-5208, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

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

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

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

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

38 (4) Transportation support. Support shall be paid to the public char-  
39 ter school as provided in chapter 15, title 33, Idaho Code, and section  
40 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
41 ment with an enrollment count as of the first Friday in November, of public  
42 charter school students who are eligible for reimbursement of transporta-

1 tion costs under the provisions of this subsection and who reside more than  
 2 one and one-half (1 1/2) miles from the school. The state department of edu-  
 3 cation is authorized to include in the annual appropriation to the charter  
 4 school sixty percent (60%) of the estimated transportation cost. The final  
 5 appropriation payment in July shall reflect reimbursements of actual costs  
 6 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-  
 7 ment under the provisions of section 33-1006, Idaho Code, the student to be  
 8 transported must reside within the public charter school's primary atten-  
 9 dance area, and must meet at least one (1) of the following two (2) criteria:

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

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

14 The limitations placed by this subsection on the reimbursement of  
 15 transportation costs for certain students shall not apply to public virtual  
 16 schools.

17 (5) Facilities funds. The state department of education shall distrib-  
 18 ute facilities funds to public charter schools for each enrolled student in  
 19 which a majority of the student's instruction is received at a facility that  
 20 is owned or leased by the public charter school. Such funds shall be used to  
 21 defray the purchase, fee, loan or lease costs associated with payments for  
 22 real property used by the students or employees of the public charter school  
 23 for educational or administrative purposes. Such funds shall be distributed  
 24 from the moneys appropriated to the educational support program, and shall  
 25 be calculated as a percentage of the statewide average amount of bond and  
 26 plant facility funds levied per student by Idaho school districts, as fol-  
 27 lows:

28 Fiscal Year 2014 Twenty Percent (20%)

29 Fiscal Year 2015 Thirty Percent (30%)

30 For fiscal year 2016 and each fiscal year thereafter, this percentage  
 31 shall increase by ten percent (10%) each time the total appropriation of  
 32 state funds for the educational support program increases by three percent  
 33 (3%) or more over the prior fiscal year, and shall decrease by ten percent  
 34 (10%) each time the total appropriation of state funds for the educational  
 35 support program decreases as compared to the prior fiscal year. Provided  
 36 however, that the percentage shall be no less than twenty percent (20%) and  
 37 no greater than fifty percent (50%), and that the average amount of funding  
 38 received per public charter school shall not exceed the average amount of  
 39 funding received by each school district pursuant to the provisions of sec-  
 40 tion 33-906, Idaho Code.

41 For those public charter schools that do not receive facilities funds  
 42 for all enrolled students, the school may submit to the state department of  
 43 education a reimbursement claim for any costs for which facilities funds may  
 44 be used. The state department of education shall reduce such claim by the  
 45 greater of fifty percent (50%) or the percentage of the school's enrolled  
 46 students for which the school receives facilities funds, and shall pay the  
 47 balance. Provided however, that the total reimbursements paid to a public  
 48 charter school, in combination with any facilities stipend received by the  
 49 school, shall not exceed the amount of facilities funds that would have been

1 received by the school had the school received facilities funds for all en-  
2 rolled students. For the purposes of this subsection, the term "real prop-  
3 erty" shall be used as defined in section 63-201, Idaho Code.

4 (6) Payment schedule. The state department of education is authorized  
5 to make an advance payment of twenty-five percent (25%) of a public charter  
6 school's estimated annual apportionment for its first year of operation,  
7 and each year thereafter, provided the public charter school is serving more  
8 grades or at least ten percent (10%) more classes than the previous year, to  
9 assist the school with initial start-up costs or payroll obligations. For a  
10 public charter school entering its second or greater year of operations, the  
11 state department of education may require documentation establishing the  
12 need for such an advance payment, including comparative class schedules and  
13 proof of a commensurate increase in the number of employees.

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

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

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

26 A public charter school shall comply with all applicable fiscal requirements  
27 of law, except that the following provisions shall not be applicable to pub-  
28 lic charter schools: that portion of section 33-1004, Idaho Code, relating  
29 to reduction of the administrative and instructional staff allowance and the  
30 pupil service staff allowance when there is a discrepancy between the number  
31 allowed and the number actually employed; and section 33-1004E, Idaho Code,  
32 for calculation of district staff indices.

33 (7) Nothing in this chapter shall be construed to prohibit any private  
34 person or organization from providing funding or other financial assistance  
35 to the establishment or operation of a public charter school.

36 (8) Each public charter school shall pay an authorizer fee to its autho-  
37 rized chartering entity, to defray the actual documented cost of monitoring,  
38 evaluation and oversight, which, in the case of public charter schools  
39 authorized by the public charter school commission, shall include each  
40 school's proportional fee share of all moneys appropriated to the public  
41 charter school commission, plus fifteen percent (15%). Provided however,  
42 that each public charter school's board of directors may direct up to ten  
43 percent (10%) of the calculated fee to pay membership fees to an organization  
44 or association that provides technical assistance, training and advocacy  
45 for Idaho public charter schools. Unless the authorized chartering entity  
46 declines payment, such fee shall be paid by February 15 of each fiscal year  
47 and shall not exceed the greater of:

48 (a) All state funds distributed to public schools on a support unit ba-  
49 sis for the prior fiscal year, divided by the statewide number of public

1 school students in average daily attendance in the first reporting pe-  
2 riod in the prior fiscal year; or

3 (b) The lesser of:

4 (i) The result of the calculation in subsection (8) (a) of this  
5 section, multiplied by four (4); or

6 (ii) One and one-half percent (1.5%) of the result of the calcula-  
7 tion in subsection (8) (a) of this section, multiplied by the pub-  
8 lic charter school's average daily attendance in the first report-  
9 ing period in the current fiscal year.

10 (9) Nothing in this chapter shall prevent a public charter school from  
11 applying for federal grant moneys.

12 (10) (a) Each student in attendance at a public virtual school shall be  
13 funded based upon either the actual hours of attendance in the public  
14 virtual school on a flexible schedule, or the percentage of coursework  
15 completed, whichever is more advantageous to the school, up to the maxi-  
16 mum of one (1) full-time equivalent student.

17 (b) All federal educational funds shall be administered and dis-  
18 tributed to public charter schools, including public virtual schools,  
19 that have been designated as a local education agency (LEA), as provided  
20 in section 33-5203(7), Idaho Code.

21 (11) Nothing in this section prohibits separate face-to-face learning  
22 activities or services.

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