

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTIFICATES FOR CHARTER SCHOOL ADMINISTRATORS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law. Public charter schools shall comply with the federal individuals with disabilities education act. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new, replication or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school.

(2) No board of trustees shall require any employee of the school district to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school. The staff of the public charter school shall be considered a separate unit for the purposes of collective bargaining.

(4) Employment of charter school teachers and administrators shall be on written contract conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Administrators may be certified pursuant to the requirements set forth in chapter 12, title 33, Idaho Code, pertaining to traditional public schools, or may hold a charter school administrator certificate. An applicant is eligible for a charter school administrator certificate if the applicant:

(a) Holds a bachelor's degree from an accredited four (4) year institution;

(b) Submits to a criminal history check as described in section 33-130, Idaho Code;

1 (c) Completes a course consisting of a minimum of three (3) semester  
 2 credits in the statewide framework for teacher evaluations, which shall  
 3 include a laboratory component;

4 (d) Submits a letter from a charter school board of directors stating  
 5 that the board of directors has carefully considered the applicant's  
 6 candidacy, has chosen to hire the applicant and is committed to oversee-  
 7 ing the applicant's performance; and

8 (e) Has one (1) or more of the following:

9 (i) Five (5) or more years of experience administering a public  
 10 charter school;

11 (ii) A post-baccalaureate degree and a minimum of five (5) years  
 12 of experience in school administration, public administration,  
 13 business administration or military administration;

14 (iii) Successful completion of a nationally recognized charter  
 15 school leaders fellowship; or

16 (iv) Five (5) or more years of teaching experience.

17 A charter school administrator certificate shall be valid for five (5) years  
 18 and renewable thereafter. Administrators shall be subject to oversight  
 19 by the professional standards commission. Certificates may be revoked  
 20 pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a  
 21 certificate to any applicant may be refused for such reason as would have  
 22 constituted grounds for revocation.

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

25 (6) Authorized chartering entities may establish reasonable pre-open-  
 26 ing requirements or conditions to monitor the start-up progress of newly  
 27 approved public charter schools and ensure that they are prepared to open  
 28 smoothly on the date agreed, and to ensure that each school meets all build-  
 29 ing, health, safety, insurance and other legal requirements for school  
 30 opening.

31 (7) Each public charter school shall annually submit the audit of its  
 32 fiscal operations to the authorized chartering entity.

33 (8) A public charter school or the authorized chartering entity may  
 34 enter into negotiations to revise a charter or performance certificate at  
 35 any time. If a public charter school petitions to revise its charter or  
 36 performance certificate, the authorized chartering entity's review of the  
 37 revised petition shall be limited in scope solely to the proposed revisions.  
 38 Except for public charter schools authorized by a school district board of  
 39 trustees, when a non-virtual public charter school submits a proposed char-  
 40 ter revision to its authorized chartering entity and such revision includes  
 41 a proposal to increase such public charter school's approved student enroll-  
 42 ment cap by ten percent (10%) or more, the authorized chartering entity shall  
 43 hold a public hearing on such petition. The authorized chartering entity  
 44 shall provide the board of the local school district in which the public  
 45 charter school is physically located notice in writing of such hearing no  
 46 later than thirty (30) days prior to the hearing. The public hearing shall  
 47 include any oral or written comments that an authorized representative of  
 48 the school district in which the public charter school is physically located  
 49 may provide regarding the impact of the proposed charter revision upon the  
 50 school district. Such public hearing shall also include any oral or written

1 comments that any petitioner may provide regarding the impact of the pro-  
2 posed charter revision upon such school district.

3 (9) When a charter is nonrenewed pursuant to the provisions of section  
4 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or  
5 the board of directors of the public charter school terminates the charter,  
6 the assets of the public charter school remaining after all debts of the pub-  
7 lic charter school have been satisfied must be returned to the authorized  
8 chartering entity for distribution in accordance with applicable law.

9 (10) Public charter schools may contract with educational services  
10 providers subject to the following provisions:

11 (a) Educational services providers, whether for-profit or nonprofit,  
12 shall be third-party entities separate from the public charter schools  
13 with which they contract. Educational services providers shall not be  
14 considered governmental entities.

15 (b) No more than one-third (1/3) of the public charter school's board  
16 membership may be comprised of nonprofit educational services provider  
17 representatives. Nonprofit educational services provider repre-  
18 sentatives may not be employees of the public charter school or the  
19 educational services provider and may not hold office as president or  
20 treasurer on the public charter school's board. For-profit educational  
21 services providers may not have representatives on the public charter  
22 school's board of directors.

23 (c) Public charter school board of director members shall annually dis-  
24 close any existing and potential conflicts of interest, pecuniary or  
25 otherwise, with affiliated educational services providers.

26 (d) Charter holders shall retain responsibility for academic, fiscal  
27 and organizational operations and outcomes of the school and may not re-  
28 linquish this responsibility to any other entity.

29 (e) Contracts must ensure that school boards retain the right to termi-  
30 nate the contract for failure to meet defined performance standards.

31 (f) Contracts must ensure that assets purchased by educational ser-  
32 vices providers on behalf of the school, using public funds, shall  
33 remain assets of the school. The provisions of this paragraph shall  
34 not prevent educational services providers from acquiring assets using  
35 revenue acquired through management fees.

36 (g) Charter holders shall consult legal counsel independent of the  
37 party with whom they are contracting for purposes of reviewing the  
38 school's management contract and facility lease or purchase agreements  
39 to ensure compliance with applicable state and federal law, including  
40 requirements that state entities not enter into contracts that obligate  
41 them beyond the terms of any appropriation of funds by the state legis-  
42 lature.

43 (h) Charter holders must ensure that their facility contracts are sepa-  
44 rate from any and all management contracts.

45 (i) Prior to approval of the charter petition indicating the school  
46 board's intention to contract with an educational services provider,  
47 authorized chartering entities shall conduct a thorough evaluation of  
48 the academic, financial and organizational outcomes of other schools  
49 that have contracted with the educational services provider and evi-  
50 dence of the educational services provider's capacity to successfully

1 grow the public charter school while maintaining quality management and  
2 instruction in existing schools.

3 (11) Admission procedures, including provision for overenrollment,  
4 shall provide that the initial admission procedures for a new public charter  
5 school or replication public charter school will be determined by lottery or  
6 other random method, except as otherwise provided herein.

7 (a) If initial capacity is insufficient to enroll all pupils who submit  
8 a timely application, then the admission procedures may provide that  
9 preference shall be given in the following order: first, to children  
10 of founders, provided that this admission preference shall be limited  
11 to not more than ten percent (10%) of the capacity of the public charter  
12 school; second, to siblings of pupils already selected by the lottery  
13 or other random method; third, to pupils seeking to transfer from an-  
14 other Idaho public charter school at which they have been enrolled for  
15 at least one (1) year, provided that this admission preference shall be  
16 subject to an existing written agreement for such preference between  
17 the subject charter schools; fourth, to students residing within the  
18 primary attendance area of the public charter school; and fifth, by an  
19 equitable selection process such as a lottery or other random method.  
20 If so stated in its petition, a new public charter school or replication  
21 public charter school may include the children of full-time employees  
22 of the public charter school within the first priority group subject to  
23 the limitations therein. Otherwise, such children shall be included in  
24 the highest priority group for which they would otherwise be eligible.

25 (b) If capacity is insufficient to enroll all pupils who submit a timely  
26 application for subsequent school terms, then the admission procedures  
27 may provide that preference shall be given in the following order:  
28 first, to pupils returning to the public charter school in the second or  
29 any subsequent year of its operation; second, to children of founders,  
30 provided that this admission preference shall be limited to not more  
31 than ten percent (10%) of the capacity of the public charter school;  
32 third, to siblings of pupils already enrolled in the public charter  
33 school; fourth, to pupils seeking to transfer from another Idaho pub-  
34 lic charter school at which they have been enrolled for at least one  
35 (1) year, provided that this admission preference shall be subject to  
36 an existing written agreement for such preference between the subject  
37 charter schools; fifth, to students residing within the primary at-  
38 tendance area of the public charter school; and sixth, by an equitable  
39 selection process such as a lottery or other random method. There shall  
40 be no carryover from year to year of the list maintained to fill vacan-  
41 cies. A new lottery shall be conducted each year to fill vacancies that  
42 become available. If so stated in its petition, a public charter school  
43 may include the following children within the second priority group  
44 subject to the limitations therein:

45 (i) The children of full-time employees of the public charter  
46 school; and

47 (ii) Children who attended the public charter school within the  
48 previous three (3) school years, but who withdrew as a result of  
49 the relocation of a parent or guardian due to an academic sabbati-  
50 cal, employer or military transfer or reassignment.

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

3           (12) Public charter schools shall comply with section 33-119, Idaho  
4           Code, as it applies to secondary school accreditation.

5           (13) Public charter school students shall be tested with the same stan-  
6           dardized tests as other Idaho public school students.