

IN THE SENATE

SENATE BILL NO. 1058

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO ESTAB-
2 LISH PROVISIONS REGARDING CERTIFICATES FOR CHARTER SCHOOL ADMINISTRA-
3 TORS AND TO MAKE TECHNICAL CORRECTIONS.
4

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

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

8 33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER
9 SCHOOL. (1) In addition to any other requirements imposed in this chapter, a
10 public charter school shall be nonsectarian in its programs, affiliations,
11 admission policies, employment practices, and all other operations, shall
12 not charge tuition, levy taxes or issue bonds, and shall not discriminate
13 against any student on any basis prohibited by the federal or state constitu-
14 tions or any federal, state or local law. Public charter schools shall com-
15 ply with the federal individuals with disabilities education act. Admission
16 to a public charter school shall not be determined according to the place of
17 residence of the student, or of the student's parent or guardian within the
18 district, except that a new, replication or conversion public charter school
19 established under the provisions of this chapter shall adopt and maintain a
20 policy giving admission preference to students who reside within the con-
21 tiguous and compact primary attendance area of that public charter school.

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

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

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

37 (a) Holds a bachelor's degree from an accredited four (4) year institu-
38 tion;

39 (b) Submits to a criminal history check as described in section 33-130,
40 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 over-
7 seeing 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 and a commit-
17 ment from an administrator at a charter school in academic, opera-
18 tional, and financial good standing according to its authorizer's
19 most recent review to mentor the applicant for a minimum of one (1)
20 year.

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

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

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

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

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

1 include any oral or written comments that an authorized representative of
2 the school district in which the public charter school is physically located
3 may provide regarding the impact of the proposed charter revision upon the
4 school district. Such public hearing shall also include any oral or written
5 comments that any petitioner may provide regarding the impact of the pro-
6 posed charter revision upon such school district.

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

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

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

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

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

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

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

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

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

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

49 (i) Prior to approval of the charter petition indicating the school
50 board's intention to contract with an educational services provider,

1 authorized chartering entities shall conduct a thorough evaluation of
2 the academic, financial and organizational outcomes of other schools
3 that have contracted with the educational services provider and evi-
4 dence of the educational services provider's capacity to successfully
5 grow the public charter school while maintaining quality management and
6 instruction in existing schools.

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

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

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

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

1 (ii) Children who attended the public charter school within the
2 previous three (3) school years, but who withdrew as a result of
3 the relocation of a parent or guardian due to an academic sabbati-
4 cal, employer or military transfer or reassignment.
5 Otherwise, such children shall be included in the highest priority
6 group for which they would otherwise be eligible.
7 (12) Public charter schools shall comply with section 33-119, Idaho
8 Code, as it applies to secondary school accreditation.
9 (13) Public charter school students shall be tested with the same stan-
10 dardized tests as other Idaho public school students.