

IN THE SENATE

SENATE BILL NO. 1102

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS REGARDING FACILITIES FUNDS FOR PUBLIC CHARTER SCHOOLS.

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

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

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (10) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

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

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

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

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than

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

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

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

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

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

27 Fiscal Year 2014 Twenty Percent (20%)

28 Fiscal Year 2015 Thirty Percent (30%)

29 For fiscal year 2016 and each fiscal year thereafter, this percentage
 30 shall increase by ten percent (10%) each time the total appropriation of
 31 state funds for the educational support program increases by three percent
 32 (3%) or more over the prior fiscal year, ~~and shall decrease by ten percent~~
 33 ~~(10%) each time the total appropriation of state funds for the educational~~
 34 ~~support program decreases as compared to the prior fiscal year.~~ Provided
 35 however, that the percentage shall be no less than twenty percent (20%) and
 36 no greater than fifty eight percent (58%), and that the average amount
 37 of funding received per public charter school shall not exceed the average
 38 amount of funding received by each school district pursuant to the provi-
 39 sions of section 33-906, Idaho Code.

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

1 rolled students. For the purposes of this subsection, the term "real prop-
2 erty" shall be used as defined in section 63-201, Idaho Code.

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

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

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

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

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

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

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

47 (a) All state funds distributed to public schools on a support unit ba-
48 sis for the prior fiscal year, divided by the statewide number of public
49 school students in average daily attendance in the first reporting pe-
50 riod in the prior fiscal year; or

- 1 (b) The lesser of:
- 2 (i) The result of the calculation in subsection (8) (a) of this
- 3 section, multiplied by four (4); or
- 4 (ii) One and one-half percent (1.5%) of the result of the calcula-
- 5 tion in subsection (8) (a) of this section, multiplied by the pub-
- 6 lic charter school's average daily attendance in the first report-
- 7 ing period in the current fiscal year.
- 8 (9) Nothing in this chapter shall prevent a public charter school from
- 9 applying for federal grant moneys.
- 10 (10) (a) Each student in attendance at a public virtual school shall be
- 11 funded based upon either the actual hours of attendance in the public
- 12 virtual school on a flexible schedule, or the percentage of coursework
- 13 completed, whichever is more advantageous to the school, up to the maxi-
- 14 mum of one (1) full-time equivalent student.
- 15 (b) All federal educational funds shall be administered and dis-
- 16 tributed to public charter schools, including public virtual schools,
- 17 that have been designated as a local education agency (LEA), as provided
- 18 in section 33-5203(8), Idaho Code.
- 19 (11) Nothing in this section prohibits separate face-to-face learning
- 20 activities or services.
- 21 (12) The provisions of section 33-1021, Idaho Code, shall apply to pub-
- 22 lic charter schools provided for in this chapter.