

IN THE SENATE

SENATE BILL NO. 1106, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-1002G, IDAHO CODE,  
2 TO PROVIDE THAT PUBLIC CHARTER SCHOOLS MAY BE ELIGIBLE FOR CERTAIN  
3 FUNDING; AMENDING SECTION 33-2202, IDAHO CODE, TO REVISE PROVISIONS  
4 REGARDING POWERS AND DUTIES OF THE STATE BOARD FOR CAREER TECHNICAL  
5 EDUCATION; AMENDING SECTION 33-2205, IDAHO CODE, TO REVISE PROVISIONS  
6 REGARDING THE DIVISION OF CAREER TECHNICAL EDUCATION; AMENDING SECTION  
7 33-5202, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGISLATIVE INTENT  
8 IN RELATION TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO  
9 CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 33-5208, IDAHO CODE,  
10 TO REVISE PROVISIONS REGARDING FINANCIAL SUPPORT FOR PUBLIC CHARTER  
11 SCHOOLS.  
12

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

14 SECTION 1. That Section 33-1002G, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 33-1002G. CAREER TECHNICAL SCHOOL FUNDING AND ELIGIBILITY. (1)  
17 School districts and public charter schools may establish career technical  
18 schools that qualify for funding appropriated for the specific purpose of  
19 supporting the added cost of career technical schools. These funds will be  
20 appropriated to the state board for career technical education, to be ex-  
21 pended by the division of career technical education. In order for a school  
22 to qualify for funding as a career technical school, it must make application  
23 to the division of career technical education on or before the fifteenth  
24 of April for the following fiscal year. This includes applicants for new  
25 schools and renewal applications. Approved public charter schools with  
26 career technical education programs will receive the same added cost unit  
27 as any other eligible school on an actual approved cost basis not to exceed  
28 the per-student cost for a traditional instructional delivery method. All  
29 career technical schools must meet all three (3) of the following criteria:

30 (a) The school serves students from two (2) or more high schools. No one  
31 (1) high school can comprise more than eighty-five percent (85%) of the  
32 total enrolled career technical school students. In the event a student  
33 enrolled in the career technical school is not enrolled in a public high  
34 school, the eighty-five percent (85%) will be calculated based on the  
35 public high school attendance area where the student resides. This pro-  
36 vision does not exclude a public charter school with a statewide bound-  
37 ary from applying for appropriate added cost funds authorized for ca-  
38 reer technical education, irrespective of the instructional delivery  
39 method.

40 (b) The majority of the school's program offerings lead to some form of  
41 postsecondary credit, such as dual credit or other advanced opportuni-

1 ties, as defined by the state board of education, or include apprentice-  
2 ship opportunities.

3 (c) All school programs offer at least one (1) supervised field experi-  
4 ence for all students.

5 (2) All career technical schools must also meet at least one (1) of the  
6 following three (3) requirements:

7 (a) The school is funded separately from schools that qualify for com-  
8 putation using regular secondary support units.

9 (b) The school has a separate and distinct governing board.

10 (c) The majority of the school programs are provided at dedicated fa-  
11 cilities that are separate from the regular high school facilities.

12 SECTION 2. That Section 33-2202, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-2202. STATE BOARD FOR CAREER TECHNICAL EDUCATION -- POWERS AND  
15 DUTIES. (1) The state board of education is hereby designated as the state  
16 board for career technical education for the purpose of carrying into effect  
17 the provisions of the federal act known as the Smith-Hughes act, amendments  
18 thereto, and any subsequent acts now or in the future enacted by the congress  
19 affecting vocational education, and is hereby authorized to cooperate with  
20 the United States office of education, vocational division, or any other  
21 agency of the United States designated to administer such legislation, in  
22 the administration and enforcement of the provisions of said act, or acts,  
23 and to exercise such powers and perform such acts as are necessary to entitle  
24 the state of Idaho to receive the benefits of the same, and to execute the  
25 laws of the state of Idaho relative to career technical education; to admin-  
26 ister the funds provided by the federal government and the state of Idaho  
27 under the provisions of this chapter for promotion of education in agricul-  
28 tural subjects, trade and industrial subjects, family and consumer science  
29 subjects and other subjects authorized by the board. Incident to the other  
30 powers and duties of the board for career technical education, the board may  
31 hold title to real property.

32 (2) As used in this title, unless otherwise specifically defined, the  
33 term "career technical education" means all secondary, postsecondary, and  
34 adult courses, programs, training, and services administered by the divi-  
35 sion of career technical education for occupations or careers that require  
36 other than a baccalaureate, master's, or doctoral degree. As approved by the  
37 board, this term may also apply to specific courses or programs offered in  
38 grades 7 and 8 or offered by any approved public charter school that are de-  
39 livered through traditional or virtual online instructional methods. This  
40 term may also apply to virtual, blended, or other career technical education  
41 programs.

42 (3) The courses, programs, training, and services include, but are not  
43 limited to, career, technical, and applied technology education. They are  
44 delivered through the career technical delivery system of public secondary  
45 schools, including approved public charter schools, irrespective of the de-  
46 livery method, and postsecondary schools and colleges. The division of ca-  
47 reer technical education will include approved public charter schools and  
48 their students equally and without discrimination in reviewing, authoriz-  
49 ing, and funding the delivery of career technical education courses and pro-

1 grams, irrespective of the school's chosen instructional delivery method,  
 2 as long as the chosen instructional delivery method is appropriate to the na-  
 3 ture of the work as demonstrated by participation in a capstone course that  
 4 meets recognized industry standards. Career technical education programs  
 5 may be delivered by traditional, blended, or virtual models and must meet  
 6 the required elements as outlined in the state standards for secondary pro-  
 7 grams. Virtual programs will utilize post-capstone interviews conducted by  
 8 industry professionals to demonstrate technical proficiency and to satisfy  
 9 face-to-face requirements. Interviews will be based on students' needs and  
 10 may be conducted face-to-face or electronically.

11 SECTION 3. That Section 33-2205, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 33-2205. STATE BOARD TO APPOINT ADMINISTRATOR -- DESIGNATION OF AS-  
 14 SISTANTS -- DIVISION OF CAREER TECHNICAL EDUCATION -- DUTIES AND POWERS. (1)  
 15 The state board of education shall appoint a person to serve as an adminis-  
 16 trator to the state board for career technical education, who shall be known  
 17 as the administrator of career technical education. The administrator shall  
 18 designate, by and with the advice and consent of the state board for career  
 19 technical education, such assistants as may be necessary to properly carry  
 20 out the provisions of the federal acts and this chapter for the state of  
 21 Idaho. The administrator and such assistants shall together be known as the  
 22 division of career technical education.

23 (2) The administrator of career technical education shall also carry  
 24 into effect such rules as the state board for career technical education may  
 25 adopt, and shall coordinate all efforts in career technical education ap-  
 26 proved by the board with the executive secretary, and shall prepare such re-  
 27 ports concerning the condition of career technical education in the state as  
 28 the state board for career technical education may require.

29 (3) The division of career technical education ~~shall~~ may coordinate  
 30 with the Idaho digital learning academy to ~~provide approved online ca-~~  
 31 ~~reer technical education courses to any Idaho school district~~ develop any  
 32 statewide virtual career technical education course delivery. Districts  
 33 may choose to enroll in the course offered by the Idaho digital learning  
 34 academy or may use their own curriculum providers.

35 (4) The division of career education shall maintain a list of secondary  
 36 career technical education pathways that can be delivered by traditional  
 37 means or entirely online, or a combination of both methods. The division of  
 38 career technical education shall develop a methodology for the funding of  
 39 each pathway delivery type. For those pathways that are able to be delivered  
 40 entirely online, there shall be a presumption that they shall receive the  
 41 same funding as for traditional career technical education pathways; how-  
 42 ever, actual funding shall be based upon actual approved costs, not to exceed  
 43 the cost of delivering these pathways in a traditional setting.

44 (45) The division of career technical education may provide incen-  
 45 tives to Idaho public colleges and universities offering career technical  
 46 programs that, in coordination with the division, align their foundational  
 47 courses that are required in the same or substantially similar programs of  
 48 study so as to achieve uniformity and transferability in the core program  
 49 requirements at all such public colleges and universities. Postsecondary

1 credits earned by a student in a career technical education program shall  
 2 transfer at the full credit value to any public Idaho college or university  
 3 in a like program of study and such postsecondary credits will be treated by  
 4 any such public college or university as satisfying specific course require-  
 5 ments in such program of study.

6 (56) The state board of education may promulgate rules to implement the  
 7 provisions of this section.

8 SECTION 4. That Section 33-5202, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 33-5202. LEGISLATIVE INTENT. It is the intent of the legislature to  
 11 provide opportunities for teachers, parents, students, and community mem-  
 12 bers to establish and maintain public charter schools ~~which that~~ operate  
 13 independently from the existing traditional school district structure but  
 14 within the existing public school system ~~as a method~~. In order to accomplish  
 15 any of the following, public charter schools shall have equal access and  
 16 authority to participate in all state and federal programs to the same extent  
 17 as a traditional public school, irrespective of the instructional delivery  
 18 method:

- 19 (1) Improve student learning;
- 20 (2) Increase learning opportunities for all students, with special em-  
 21 phasis on expanded learning experiences for students;
- 22 (3) Include the use of different and innovative teaching methods;
- 23 (4) Utilize virtual distance learning and ~~on-line~~ online learning;
- 24 (5) Create new professional opportunities for teachers, including the  
 25 opportunity to be responsible for the learning program at the school site;
- 26 (6) Provide parents and students with expanded choices in the types of  
 27 educational opportunities that are available within the public school sys-  
 28 tem;
- 29 (7) Hold the schools established under this chapter accountable for  
 30 meeting measurable student educational standards.

31 SECTION 5. That Section 33-5202A, Idaho Code, be, and the same is hereby  
 32 amended to read as follows:

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

- 35 (1) "Authorized chartering entity" means any of the following:  
 36 (a) A local board of trustees of a school district in this state;  
 37 (b) The public charter school commission created pursuant to the provi-  
 38 sions of this chapter;  
 39 (c) An Idaho public college, university or community college;  
 40 (d) A private, nonprofit, Idaho-based, nonsectarian college or univer-  
 41 sity that is accredited by the same organization that accredits Idaho  
 42 public colleges and universities.
- 43 (2) "Charter" means the grant of authority approved by the authorized  
 44 chartering entity to the board of directors of the public charter school.
- 45 (3) "Charter holder" means the public charter school's board of direc-  
 46 tors to which a charter is granted pursuant to chapter 52, title 33, Idaho  
 47 Code.

1 (4) "Educational services provider" means a nonprofit or for-profit  
2 entity that contracts with a public charter school to provide educational  
3 services and resources including administrative support and educational  
4 design, implementation or management.

5 (5) "Founder" means a person, including employees or staff of a pub-  
6 lic charter school, who makes a material contribution toward the establish-  
7 ment of a public charter school in accordance with criteria determined by  
8 the board of directors of the public charter school, and who is designated  
9 as such at the time the board of directors acknowledges and accepts such con-  
10 tribution. The criteria for determining when a person is a founder shall not  
11 discriminate against any person on any basis prohibited by the federal or  
12 state constitutions or any federal, state or local law. The designation of a  
13 person as a founder, and the admission preferences available to the children  
14 of a founder, shall not constitute pecuniary benefits.

15 (6) "Performance certificate" means a fixed-term, renewable certifi-  
16 cate between a public charter school and an authorized chartering entity  
17 that outlines the roles, powers, responsibilities and performance expecta-  
18 tions for each party to the certificate.

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

22 (8) "Career technical regional public charter school" means a public  
23 charter secondary school authorized under this chapter to provide programs  
24 in career technical education ~~which that~~ meet the standards and qualifica-  
25 tions established by the division of career technical education. A career  
26 technical regional public charter school may be approved by an authorized  
27 chartering entity and, by the terms of its charter, shall operate in associa-  
28 tion with at least two (2) school districts. This provision does not exclude  
29 a public charter school with a statewide boundary from applying for added  
30 cost funds authorized for career technical education, irrespective of the  
31 instructional delivery method. Participating school districts need not be  
32 contiguous.

33 (9) "Public charter school" means a school that is authorized under  
34 this chapter to deliver public education in Idaho with equal access and au-  
35 thority to participate in all state and federal programs to the same extent  
36 as a traditional public school, irrespective of the instructional delivery  
37 method.

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

40 (11) "Virtual school" means either a public charter school or a  
41 traditional public school that delivers a full-time, sequential program of  
42 synchronous and/or asynchronous instruction primarily through the use of  
43 technology via the internet in a distributed environment. Schools classi-  
44 fied as virtual must have an online component to their school with online  
45 lessons and tools for student and data management.

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

48 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided  
49 in subsection (10) of this section, from the state educational support pro-

1 gram the state department of education shall make the following apportion-  
2 ment to each public charter school for each fiscal year based on attendance  
3 figures submitted in a manner and time as required by the department of edu-  
4 cation:

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

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

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

29 (4) Transportation support. Support shall be paid to the public char-  
30 ter school as provided in chapter 15, title 33, Idaho Code, and section  
31 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
32 ment with an enrollment count as of the first Friday in November, of public  
33 charter school students who are eligible for reimbursement of transporta-  
34 tion costs under the provisions of this subsection and who reside more than  
35 one and one-half (1 1/2) miles from the school. The state department of edu-  
36 cation is authorized to include in the annual appropriation to the charter  
37 school sixty percent (60%) of the estimated transportation cost. The final  
38 appropriation payment in July shall reflect reimbursements of actual costs  
39 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-  
40 ment under the provisions of section 33-1006, Idaho Code, the student to be  
41 transported must reside within the public charter school's primary atten-  
42 dance area, and must meet at least one (1) of the following two (2) criteria:

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

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

47 The limitations placed by this subsection on the reimbursement of trans-  
48 portation costs for certain students shall not apply to public virtual  
49 schools.

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

12	Fiscal Year 2014	Twenty Percent (20%)
13	Fiscal Year 2015	Thirty Percent (30%)

14 For fiscal year 2016 and each fiscal year thereafter, this percentage  
 15 shall increase by ten percent (10%) each time the total appropriation of  
 16 state funds for the educational support program increases by three percent  
 17 (3%) or more over the prior fiscal year, and shall decrease by ten percent  
 18 (10%) each time the total appropriation of state funds for the educational  
 19 support program decreases as compared to the prior fiscal year. Provided  
 20 however, that the percentage shall be no less than twenty percent (20%) and  
 21 no greater than fifty percent (50%), and that the average amount of funding  
 22 received per public charter school shall not exceed the average amount of  
 23 funding received by each school district pursuant to the provisions of sec-  
 24 tion 33-906, Idaho Code.

25 For those public charter schools that do not receive facilities funds  
 26 for all enrolled students, the school may submit to the state department of  
 27 education a reimbursement claim for any costs for which facilities funds may  
 28 be used. The state department of education shall reduce such claim by the  
 29 greater of fifty percent (50%) or the percentage of the school's enrolled  
 30 students for which the school receives facilities funds, and shall pay the  
 31 balance. Provided however, that the total reimbursements paid to a public  
 32 charter school, in combination with any facilities stipend received by the  
 33 school, shall not exceed the amount of facilities funds that would have been  
 34 received by the school had the school received facilities funds for all en-  
 35 rolled students. For the purposes of this subsection, the term "real prop-  
 36 erty" shall be used as defined in section 63-201, Idaho Code.

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

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

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

6 (c) All subsequent payments, taking into account the ~~one-time~~ onetime  
 7 advance payment made for the first year of operation, shall be made to  
 8 the public charter school in the same manner as other traditional pub-  
 9 lic schools in accordance with the provisions of section 33-1009, Idaho  
 10 Code.

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

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

21 (8) Each public charter school shall pay an authorizer fee to its autho-  
 22 rized chartering entity, to defray the actual documented cost of monitoring,  
 23 evaluation and oversight, which, in the case of public charter schools  
 24 authorized by the public charter school commission, shall include each  
 25 school's proportional fee share of moneys appropriated from the public char-  
 26 ter school authorizers fund to the public charter school commission, plus  
 27 fifteen percent (15%). Provided however, that each public charter school's  
 28 board of directors may direct up to ten percent (10%) of the calculated fee  
 29 to pay membership fees to an organization or association that provides tech-  
 30 nical assistance, training and advocacy for Idaho public charter schools.  
 31 Unless the authorized chartering entity declines payment, such fee shall be  
 32 paid by March 15 of each fiscal year and shall not exceed the greater of:

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

37 (b) The lesser of:

38 (i) The result of the calculation in ~~subsection (8)~~ paragraph (a)  
 39 of this subsection, multiplied by four (4); or

40 (ii) One and one-half percent (1.5%) of the result of the calcu-  
 41 lation in ~~subsection (8)~~ paragraph (a) of this subsection, multi-  
 42 plied by the public charter school's average daily attendance in  
 43 the first reporting period in the current fiscal year.

44 (9) Nothing in this chapter shall prevent a public charter school from  
 45 applying for federal grant moneys or for career technical education funding  
 46 of any source for any reason including, but not limited to, the instructional  
 47 delivery method.

48 (10) (a) Each student in attendance at a public virtual school shall be  
 49 funded based upon either the actual hours of attendance in the public  
 50 virtual school on a flexible schedule, or the percentage of coursework

1 completed, whichever is more advantageous to the school, up to the maxi-  
2 mum of one (1) full-time equivalent student.

3 (b) All federal educational funds shall be administered and dis-  
4 tributed to public charter schools, including public virtual schools,  
5 that have been designated as a local education agency (LEA), as provided  
6 in section 33-5203(8), Idaho Code.

7 (11) Nothing in this section prohibits separate face-to-face learning  
8 activities or services. In order to be eligible for career technical educa-  
9 tion essential components funding, virtual schools may be required to offer  
10 some face-to-face instruction in order to meet industry standards, licens-  
11 ing requirements, work-based learning requirements, or other requirements  
12 set forth by the board.

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