

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 388

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 33-524, IDAHO CODE, TO PROVIDE FOR ADVANCE EN-
3 ROLLMENT IN OR REGISTRATION AT A PUBLIC SCHOOL BY DEPENDENTS OF MILITARY
4 MEMBERS; AND AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE FOR AD-
5 VANCE ENROLLMENT IN OR REGISTRATION AT A PUBLIC CHARTER SCHOOL BY DEPEN-
6 DENTS OF MILITARY MEMBERS.
7

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

9 SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 33-524, Idaho Code, and to read as follows:

12 33-524. ADVANCE ENROLLMENT FOR MILITARY DEPENDENTS. Each school dis-
13 trict shall establish a process under which a child may enroll in or regis-
14 ter for courses at a school in the school district, regardless of where such
15 child resides at the time of enrollment or registration, if the child is a de-
16 pendent of a member of the United States armed forces who has received trans-
17 fer orders to a location in Idaho and will, upon such transfer, reside in the
18 school district.

19 SECTION 2. That Section 33-5206, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER
22 SCHOOL. (1) In addition to any other requirements imposed in this chapter, a
23 public charter school shall be nonsectarian in its programs, affiliations,
24 admission policies, employment practices, and all other operations, shall
25 not charge tuition, levy taxes or issue bonds, and shall not discriminate
26 against any student on any basis prohibited by the federal or state constitu-
27 tion or any federal, state or local law. Public charter schools shall comply
28 with the federal individuals with disabilities education act. Admission to
29 a public charter school shall not be determined according to the place of
30 residence of the student, or of the student's parent or guardian within the
31 district, except that a new replication or conversion public charter school
32 established under the provisions of this chapter shall adopt and maintain a
33 policy giving admission preference to students who reside within the con-
34 tiguous and compact primary attendance area of that public charter school.

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

37 (3) Certified teachers in a public charter school shall be considered
38 public school teachers. Educational experience shall accrue for service in
39 a public charter school and such experience shall be counted by any school
40 district for any teacher who has been employed in a public charter school.

1 The staff of the public charter school shall be considered a separate unit
2 for the purposes of collective bargaining.

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

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

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

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

17 (d) Submits a letter from a charter school board of directors stating
18 that the board of directors has carefully considered the applicant's
19 candidacy, has chosen to hire the applicant, and is committed to over-
20 seeing the applicant's performance; and

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

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

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

27 (iii) Successful completion of a nationally recognized charter
28 school leaders fellowship; or

29 (iv) Five (5) or more years of teaching experience and a commit-
30 ment from an administrator at a charter school in academic, opera-
31 tional, and financial good standing according to its authorizer's
32 most recent review to mentor the applicant for a minimum of one (1)
33 year.

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

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

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

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

1 (8) A public charter school or the authorized chartering entity may
2 enter into negotiations to revise a charter or performance certificate at
3 any time. If a public charter school petitions to revise its charter or
4 performance certificate, the authorized chartering entity's review of the
5 revised petition shall be limited in scope solely to the proposed revisions.
6 Except for public charter schools authorized by a school district board of
7 trustees, when a non-virtual public charter school submits a proposed char-
8 ter revision to its authorized chartering entity and such revision includes
9 a proposal to increase such public charter school's approved student enroll-
10 ment cap by ten percent (10%) or more, the authorized chartering entity shall
11 hold a public hearing on such petition. The authorized chartering entity
12 shall provide the board of the local school district in which the public
13 charter school is physically located notice in writing of such hearing no
14 later than thirty (30) days prior to the hearing. The public hearing shall
15 include any oral or written comments that an authorized representative of
16 the school district in which the public charter school is physically located
17 may provide regarding the impact of the proposed charter revision upon the
18 school district. Such public hearing shall also include any oral or written
19 comments that any petitioner may provide regarding the impact of the pro-
20 posed charter revision upon such school district.

21 (9) When a charter is nonrenewed pursuant to the provisions of section
22 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or
23 the board of directors of the public charter school terminates the charter,
24 the assets of the public charter school remaining after all debts of the pub-
25 lic charter school have been satisfied must be returned to the authorized
26 chartering entity for distribution in accordance with applicable law.

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

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

33 (b) No more than one-third (1/3) of the public charter school's board
34 membership may be comprised of nonprofit educational services provider
35 representatives. Nonprofit educational services provider repre-
36 sentatives may not be employees of the public charter school or the
37 educational services provider and may not hold office as president or
38 treasurer on the public charter school's board. For-profit educational
39 services providers may not have representatives on the public charter
40 school's board of directors.

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

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

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

49 (f) Contracts must ensure that assets purchased by educational ser-
50 vices providers on behalf of the school, using public funds, shall

1 remain assets of the school. The provisions of this paragraph shall
2 not prevent educational services providers from acquiring assets using
3 revenue acquired through management fees.

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

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

13 (i) Prior to approval of the charter petition indicating the school
14 board's intention to contract with an educational services provider,
15 authorized chartering entities shall conduct a thorough evaluation of
16 the academic, financial and organizational outcomes of other schools
17 that have contracted with the educational services provider and evi-
18 dence of the educational services provider's capacity to successfully
19 grow the public charter school while maintaining quality management and
20 instruction in existing schools.

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

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

43 (b) If capacity is insufficient to enroll all pupils who submit a timely
44 application for subsequent school terms, then the admission procedures
45 may provide that preference shall be given in the following order:
46 first, to pupils returning to the public charter school in the second or
47 any subsequent year of its operation; second, to children of founders,
48 provided that this admission preference shall be limited to not more
49 than ten percent (10%) of the capacity of the public charter school;
50 third, to siblings of pupils already enrolled in the public charter

1 school; fourth, to pupils seeking to transfer from another Idaho pub-
2 lic charter school at which they have been enrolled for at least one
3 (1) year, provided that this admission preference shall be subject to
4 an existing written agreement for such preference between the subject
5 charter schools; fifth, to students residing within the primary at-
6 tendance area of the public charter school; and sixth, by an equitable
7 selection process such as a lottery or other random method. There shall
8 be no carryover from year to year of the list maintained to fill vacan-
9 cies. A new lottery shall be conducted each year to fill vacancies that
10 become available. If so stated in its petition, a public charter school
11 may include the following children within the second priority group
12 subject to the limitations therein:

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

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

19 (c) Each public charter school shall establish a process under which a
20 child may apply for enrollment or register for courses, regardless of
21 where such child resides at the time of application or registration, if
22 the child is a dependent of a member of the United States armed forces
23 who has received transfer orders to a location in Idaho and will, upon
24 such transfer, reside in an area served by the public charter school.
25 If capacity is insufficient as described in paragraph (a) or (b) of this
26 subsection, a child described in this paragraph shall be treated as a
27 student residing within the primary attendance area of the public char-
28 ter school for purposes of preference.

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

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

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