

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 511, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5209C, IDAHO CODE, TO PRO-  
2 VIDE THAT CERTAIN CHARTER SCHOOLS WITH LESS THAN FIFTEEN DAYS' WORTH OF  
3 CASH ON HAND MUST CURE THE FISCAL DEFICIENCY WITHIN A YEAR OR BE SUBJECT  
4 TO REVOCATION PROCEEDINGS AND TO MAKE A TECHNICAL CORRECTION.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 33-5209C, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 33-5209C. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized  
10 chartering entity shall continually monitor the performance and legal com-  
11 pliance of the public charter schools it oversees, including collecting and  
12 analyzing data to support ongoing evaluation according to the performance  
13 certificate. Every authorized chartering entity shall have the authority  
14 to conduct or require oversight activities that enable the authorized char-  
15 tering entity to fulfill its responsibilities pursuant to the provisions  
16 of this chapter, including conducting appropriate inquiries and investiga-  
17 tions, ~~so~~ as long as those activities are consistent with the intent of this  
18 chapter, adhere to the terms of the performance certificate and do not unduly  
19 inhibit the autonomy granted to public charter schools.

20 (2) Each authorized chartering entity shall annually publish and make  
21 available to the public a performance report for each public charter school  
22 it oversees, in accordance with the performance framework set forth in the  
23 performance certificate and section 33-5209A, Idaho Code. The authorized  
24 chartering entity may require each public charter school it oversees to sub-  
25 mit an annual report to assist the authorized chartering entity in gather-  
26 ing complete information about each school consistent with the performance  
27 framework. Each public charter school shall publish its annual performance  
28 report on the school's website.

29 (3) If an authorized chartering entity has reason to believe that a  
30 public charter school cannot remain fiscally sound for the remainder of its  
31 certificate term, it shall provide the state department of education with  
32 written notification of such concern. Upon receiving such notification,  
33 the state department of education shall have the authority to modify the  
34 percentage of the total appropriation to be paid to the public charter school  
35 pursuant to the provisions of section 33-1009(1), Idaho Code, such that  
36 equal percentages are paid on each of the prescribed dates. If documents  
37 filed with an authorized chartering entity pursuant to section 33-5206(7),  
38 Idaho Code, establish that a public charter school that is not a virtual  
39 school and that has been open for more than two (2) years had less than fif-  
40 teen (15) days' worth of cash on hand on June 30 of the current calendar year,  
41 then by November 30 of that year the authorized chartering entity shall no-  
42 tify the school that the school has until June 30 of the subsequent year to

1 cure the deficiency. If on June 30 of the subsequent year the school again  
2 has less than fifteen (15) days' worth of cash on hand, then by November 30 of  
3 that year the authorized chartering entity shall begin revocation proceed-  
4 ings pursuant to subsection (7) of this section.

5 (4) If an authorized chartering entity has reason to believe that a  
6 charter holder or public charter school has violated any provision of law, it  
7 shall notify the charter holder and the entity responsible for administering  
8 said law of the possible violation.

9 (5) If an authorized chartering entity revokes or does not renew a char-  
10 ter, the authorized chartering entity shall clearly state, in a resolution  
11 of its governing board, the reasons for the revocation or nonrenewal.

12 (6) Within fourteen (14) days of taking action to renew, not renew or  
13 revoke a charter, the authorized chartering entity shall report to the state  
14 board of education the action taken and shall provide a copy of the report to  
15 the charter holder at the same time that the report is submitted to the state  
16 board of education. The report shall include a copy of the authorized char-  
17 tering entity's resolution setting forth the action taken and reasons for  
18 the decision and assurances as to compliance with all of the requirements set  
19 forth in this chapter.

20 (7) A charter may be revoked by the authorized chartering entity if the  
21 public charter school has failed to meet any of the specific, written con-  
22 ditions for necessary improvements established pursuant to the provisions  
23 of section 33-5209B(1), Idaho Code, or has failed to cure the fifteen (15)  
24 days' worth of cash on hand deficiency pursuant to subsection (3) of this  
25 section, by the dates specified. Revocation may not occur until the charter  
26 holder has been afforded a public hearing, unless the authorized chartering  
27 entity determines that the continued operation of the public charter school  
28 presents an imminent public safety issue, in which case the charter may be  
29 revoked immediately. Public hearings shall be conducted by the authorized  
30 chartering entity or such other person or persons appointed by the autho-  
31 rized chartering entity to conduct public hearings and receive evidence as  
32 a contested case in accordance with the provisions of section 67-5242, Idaho  
33 Code. Notice and opportunity to reply shall include, at a minimum, written  
34 notice setting out the basis for consideration of revocation, a period of not  
35 less than thirty (30) days within which the charter holder can reply in writ-  
36 ing, and a public hearing within thirty (30) days of the receipt of the writ-  
37 ten reply.

38 (8) A decision to revoke or nonrenew a charter or to deny a revision of  
39 a charter may be appealed directly to the state board of education. With re-  
40 spect to such appeal, the state board of education shall substantially fol-  
41 low the procedure as provided in section 33-5207(5)(b), Idaho Code. In the  
42 event the state board of education reverses a decision of revocation or non-  
43 renewal, the charter holder subject to such action shall then be placed under  
44 the chartering authority of the public charter school commission.