

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 512

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE FOR
WEIGHTING IN A PUBLIC CHARTER SCHOOL'S LOTTERY FOR CERTAIN DISADVAN-
TAGED STUDENTS.

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

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

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

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

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

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

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

(b) Submits to a criminal history check as described in section 33-130,
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 public charter school may weight the
25 school's lottery to preference admission for the following education-
26 ally disadvantaged students: students living at or below one hundred
27 eighty-five percent (185%) of the federal poverty level, students who
28 are homeless or in foster care, children with disabilities as defined
29 in section 33-2001, Idaho Code, students with limited English profi-
30 ciency, and students who are at-risk as defined in section 33-1001,
31 Idaho Code. If so stated in its petition, a new public charter school or
32 replication public charter school may include the children of full-time
33 employees of the public charter school within the first priority group
34 subject to the limitations therein. Otherwise, such children shall be
35 included in the highest priority group for which they would otherwise be
36 eligible.

37 (b) If capacity is insufficient to enroll all pupils who submit a timely
38 application for subsequent school terms, then the admission procedures
39 may provide that preference shall be given in the following order:
40 first, to pupils returning to the public charter school in the second or
41 any subsequent year of its operation; second, to children of founders,
42 provided that this admission preference shall be limited to not more
43 than ten percent (10%) of the capacity of the public charter school;
44 third, to siblings of pupils already enrolled in the public charter
45 school; fourth, to pupils seeking to transfer from another Idaho pub-
46 lic charter school at which they have been enrolled for at least one
47 (1) year, provided that this admission preference shall be subject to
48 an existing written agreement for such preference between the subject
49 charter schools; fifth, to students residing within the primary at-
50 tendance area of the public charter school; and sixth, by an equitable

1 selection process such as a lottery or other random method. There shall
2 be no carryover from year to year of the list maintained to fill vacan-
3 cies. A new lottery shall be conducted each year to fill vacancies that
4 become available. If so stated in its petition, a public charter school
5 may weight the school's lottery to preference admission for the follow-
6 ing educationally disadvantaged students: students living at or below
7 one hundred eighty-five percent (185%) of the federal poverty level,
8 students who are homeless or in foster care, children with disabilities
9 as defined in section 33-2001, Idaho Code, students with limited Eng-
10 lish proficiency, and students who are at-risk as defined in section
11 33-1001, Idaho Code. If so stated in its petition, a public charter
12 school may include the following children within the second priority
13 group subject to the limitations therein:

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

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

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

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

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