

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 22, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5208, IDAHO CODE,
TO PROVIDE AN EXCEPTION TO A LIMITATION ON PUBLIC CHARTER SCHOOL FUNDING
AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PRO-
VIDING RETROACTIVE APPLICATION.

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 pro-
gram the state department of education shall make the following apportion-
ment 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 edu-
cation:

(1) Per student support. Computation of support units for each public
charter school shall be calculated as if it were a separate school accord-
ing 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~~. No
public charter school shall receive an increase in support units that ex-
ceeds the support units it received in the prior year by more than thirty
(30), provided that this limitation shall not apply for the 2020-2021 school
year. 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 tradi-
tional 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 un-
der 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 char-
ter school as provided in chapter 15, title 33, Idaho Code, and section
33-1006, Idaho Code. Each public charter school shall furnish the depart-

1 ment with an enrollment count as of the first Friday in November, of public
 2 charter school students who are eligible for reimbursement of transporta-
 3 tion costs under the provisions of this subsection and who reside more than
 4 one and one-half (1 1/2) miles from the school. The state department of edu-
 5 cation is authorized to include in the annual appropriation to the charter
 6 school sixty percent (60%) of the estimated transportation cost. The final
 7 appropriation payment in July shall reflect reimbursements of actual costs
 8 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-
 9 ment under the provisions of section 33-1006, Idaho Code, the student to be
 10 transported must reside within the public charter school's primary atten-
 11 dance area, and must meet at least one (1) of the following two (2) criteria:

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

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

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

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

29 Fiscal Year 2014 Twenty Percent (20%)

30 Fiscal Year 2015 Thirty Percent (30%)

31 For fiscal year 2016 and each fiscal year thereafter, this percentage
 32 shall increase by ten percent (10%) each time the total appropriation of
 33 state funds for the educational support program increases by three percent
 34 (3%) or more over the prior fiscal year and shall decrease by ten percent
 35 (10%) each time the total appropriation of state funds for the educational
 36 support program decreases as compared to the prior fiscal year. Provided
 37 however, that the percentage shall be no less than twenty percent (20%) and
 38 no greater than fifty percent (50%), and that the average amount of funding
 39 received per public charter school shall not exceed the average amount of
 40 funding received by each school district pursuant to the provisions of sec-
 41 tion 33-906, Idaho Code.

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

1 school, shall not exceed the amount of facilities funds that would have been
2 received by the school had the school received facilities funds for all en-
3 rolled students. For the purposes of this subsection, the term "real prop-
4 erty" shall be used as defined in section 63-201, Idaho Code.

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

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

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

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

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

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

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

49 (a) All state funds distributed to public schools on a support unit ba-
50 sis for the prior fiscal year, divided by the statewide number of public

1 school students in average daily attendance in the first reporting pe-
2 riod in the prior fiscal year; or

3 (b) The lesser of:

4 (i) The result of the calculation in paragraph (a) of this subsec-
5 tion, multiplied by four (4); or

6 (ii) One and one-half percent (1.5%) of the result of the calcula-
7 tion in paragraph (a) of this subsection, multiplied by the public
8 charter school's average daily attendance in the first reporting
9 period in the current fiscal year.

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

14 (10) (a) Each student in attendance at a public virtual school shall be
15 funded based upon either the actual hours of attendance in the public
16 virtual school on a flexible schedule, or the percentage of coursework
17 completed, whichever is more advantageous to the school, up to the maxi-
18 mum of one (1) full-time equivalent student.

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

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

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

31 SECTION 2. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval, and retroactively to July 1, 2020.