

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 766

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-102A, IDAHO CODE, AS AMENDED  
2 IN SECTION 5 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR  
3 SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS  
4 REGARDING THE APPOINTMENT OF THE EXECUTIVE OFFICER OF THE STATE BOARD OF  
5 EDUCATION; AMENDING SECTION 33-911, IDAHO CODE, AS AMENDED IN SECTION  
6 4 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF THE  
7 SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE  
8 SCHOOL DISTRICT FACILITIES FUND; AMENDING SECTION 33-916, IDAHO CODE,  
9 AS ADDED BY SECTION 18 OF HOUSE BILL NO. 521, IF ENACTED BY THE SEC-  
10 OND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE  
11 PROVISIONS REGARDING THE ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL  
12 MODERNIZATION FACILITIES FUND DISTRIBUTIONS; AMENDING SECTION 33-917,  
13 IDAHO CODE, AS ADDED BY SECTION 19 OF HOUSE BILL NO. 521, IF ENACTED  
14 BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE,  
15 TO REVISE PROVISIONS REGARDING THE SCHOOL MODERNIZATION FACILITIES  
16 FUND; AMENDING SECTION 33-5207, IDAHO CODE, AS ADDED BY SECTION 23 OF  
17 HOUSE BILL NO. 422, AS ENACTED BY THE SECOND REGULAR SESSION OF THE  
18 SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE  
19 DISTRIBUTION OF FACILITIES FUNDS TO PUBLIC CHARTER SCHOOLS; AMENDING  
20 SECTION 33-5209A, IDAHO CODE, AS ADDED BY SECTION 26 OF HOUSE BILL NO.  
21 422, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO  
22 LEGISLATURE, TO REMOVE A PROVISION REGARDING PROVISIONAL RENEWAL; AND  
23 DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.  
24

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

26 SECTION 1. That Section 33-102A, Idaho Code, as amended in Section 5 of  
27 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-  
28 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-  
29 lows:

30 33-102A. OFFICE OF THE STATE BOARD -- EXECUTIVE OFFICER -- APPOINTMENT  
31 -- COMPENSATION -- DUTIES AND POWERS. (1) There is hereby created as an exec-  
32 utive agency of the state board of education the office of the state board of  
33 education. The governor is hereby authorized to appoint an executive offi-  
34 cer of the state board, with the advice and consent of the senate, who shall  
35 serve at the pleasure of the governor and shall receive such salary as fixed  
36 by the governor.

37 (2) The executive officer shall, under the direction of the state  
38 board, have such duties and powers as prescribed by the said board of regents  
39 and the state board of education, not otherwise assigned by law.

40 (3) The executive officer shall, together with the president of the  
41 state board of education, submit an annual report to the legislature no later

1 than January 15 of each year, detailing the uses and impact of the school  
2 modernization facilities fund.

3 SECTION 2. That Section 33-911, Idaho Code, as amended in Section 4 of  
4 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-  
5 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-  
6 lows:

7 33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby cre-  
8 ated in the state treasury the school district facilities fund. The fund  
9 shall consist of moneys provided pursuant to sections 57-811, 63-3638, and  
10 67-7434, Idaho Code, and any legislative transfers or appropriations. In-  
11 terest earned from the investment of moneys in the fund shall be returned to  
12 the fund.

13 (2) The moneys in the fund shall be distributed by the state controller  
14 to the state department of education by August 1 each year for the purpose of  
15 construction or renovation of school facilities. The moneys shall be dis-  
16 tributed by the state department of education to each school district, as  
17 defined in section 33-1001(21), Idaho Code, first as provided in subsection  
18 (7) of this section and then on a per-pupil basis using the average daily at-  
19 tendance calculation provided in section 33-1003A, Idaho Code, for each stu-  
20 dent in kindergarten through grade 12 at physical facilities that are part  
21 of and on school grounds of the school district in which the student is en-  
22 rolled with verification, as needed, by the office of the state board of edu-  
23 cation. Upon formal approval by the state board of education, a school dis-  
24 trict may receive an exemption to the physical facility requirement pursuant  
25 to this subsection if the student would have attended a physical facility in  
26 the school district if not for a stated emergency. The state department of  
27 education shall transfer the moneys by no later than August 31 each year to  
28 each school district. Such moneys shall be used in place of property tax levy  
29 moneys and shall be expended by a school district for one (1) or more of the  
30 purposes set forth in paragraphs (a) through (d) of this subsection. Moneys  
31 in the fund must be used by a school district in the following order of prior-  
32 ity:

33 (a) Payment of existing school bonds authorized pursuant to chapter 11,  
34 title 33, Idaho Code;

35 (b) Payment of supplemental school levies authorized pursuant to sec-  
36 tion 33-802, Idaho Code, excluding indefinite term supplemental levies  
37 described in section 33-802(5), Idaho Code;

38 (c) Payment of school plant facility levies authorized pursuant to sec-  
39 tions 33-804 and 33-804A, Idaho Code; and

40 (d) Any moneys that remain following the payments provided in para-  
41 graphs (a) through (c) of this subsection may be: used for construction  
42 of a new school facility, renovation, or maintenance needs; used to  
43 secure and make payments on a new school facilities bond; or saved in  
44 a reserve account by the school district for future school facility  
45 needs. Uses of funds shall include regular and routine facilities  
46 maintenance, including preventive maintenance, building repairs, and  
47 building security, and periodic major facilities projects that involve  
48 planning, design, construction, renovation, retrofitting, and replac-

1 ing of buildings and building systems, components, and features, as  
2 well as site acquisition, site improvements, and new construction.

3 (3) The amount of moneys received by a school district pursuant to this  
4 section must be deducted from a school levy that would otherwise have been  
5 paid by property taxpayers. Such moneys may not be duplicated by the collec-  
6 tion of property tax, and no property taxes may be collected in order to make  
7 extra payments on expenses described in subsection (2) of this section in ex-  
8 cess of required amounts.

9 (4) Each school district shall identify the amount received in the cur-  
10 rent year pursuant to this section in the certification of its budget in ac-  
11 cordance with section 63-803, Idaho Code. Said amount must be subtracted  
12 from the amount to be levied. The amount of moneys thereby saved from being  
13 collected by a property tax levy shall be reported on each property tax no-  
14 tice pursuant to section 63-902, Idaho Code.

15 (5) Each school district shall report annually to the state department  
16 of education, in a manner prescribed by it, on the expenditure of moneys it  
17 has received pursuant to this section. The state department of education  
18 shall present the reports to the legislature each January.

19 (6) For the purposes of this section, the Idaho school for the deaf and  
20 the blind shall be considered a school district and shall receive a distribu-  
21 tion based on the average daily attendance of the school.

22 (7) (a) For state fiscal years ~~2025 and 2026~~ only, any school district  
23 that would have received support from the bond levy equalization sup-  
24 port program for a qualified bond passed prior to January 1, 2024, and  
25 for which property taxes were levied in property tax year ~~2024~~ 2023 pur-  
26 suant to the amount intended by the bond shall receive a distribution of  
27 funds from the distribution provided under subsection (2) of this sec-  
28 tion of at least as much as would have been provided through bond levy  
29 equalization support on July 1, 2024.

30 (b) For state fiscal year 2026 only, any school district that would have  
31 received support from the bond levy equalization support program for a  
32 qualified bond passed prior to January 1, 2024, and for which property  
33 taxes were levied in property tax year 2024 pursuant to the amount in-  
34 tended by the bond shall receive a distribution of funds from the dis-  
35 tribution provided under subsection (2) of this section of at least as  
36 much as would have been provided through bond levy equalization support  
37 on July 1, 2025.

38 (c) The state department of education may adjust distributions for re-  
39 maining districts proportionally as necessary pursuant to this para-  
40 graph. On and after July 1, 2024, school districts may use funds pro-  
41 vided in this section and section 33-913, Idaho Code, to offset the bond  
42 levy equalization support.

43 SECTION 3. That Section 33-916, Idaho Code, as added by Section 18 of  
44 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-  
45 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-  
46 lows:

47 33-916. ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FA-  
48 CILITIES FUND DISTRIBUTIONS. The state department of education shall not ap-  
49 prove school district requests for annualized distributions or for distri-

1     bution from the applicable bond proceeds until the following conditions are  
2     satisfied:

3             (1) The school district has submitted a ten (10) year facilities plan in  
4     accordance with provisions of section 33-918, Idaho Code;

5             (2) The school district attests ~~that if it operated on a five (5) day~~  
6     ~~school week during fiscal year 2024, it will not convert to a four (4) day~~  
7     ~~school week during the period for which the school district has elected~~  
8     ~~to receive funding from the school modernization facilities fund. If the~~  
9     ~~school district does convert from a five (5) day school week to a four (4)~~  
10    ~~day school week or if it operated on a four (4) day school week during fiscal~~  
11    ~~year 2024, it must attest that it meets the minimum contract days and minimum~~  
12    ~~student instructional day or hour requirements of the state board of educa-~~  
13    ~~tion, which requirements shall be implemented adopted no later than August~~  
14    ~~1, 2024, and implemented no sooner than July 1, 2025. The state board of~~  
15    ~~education may phase in such requirements over a multi-year period; and~~

16             (3) The school district attests compliance with the dignity and nondis-  
17     crimination in public education requirements specified in section 33-138,  
18     Idaho Code, and further attests that the school district does not require job  
19     applicants to sign written diversity statements.

20             SECTION 4. That Section 33-917, Idaho Code, as added by Section 19 of  
21     House Bill No. 521, if enacted by the Second Regular Session of the Sixty-  
22     seventh Idaho Legislature, be, and the same is hereby amended to read as fol-  
23     lows:

24             33-917. SCHOOL DISTRICT USE OF FUNDS -- SCHOOL MODERNIZATION FACILI-  
25     TIES FUND.

26             (1) (a) Moneys distributed to a school district shall be used for school  
27     facility construction, renovation, or maintenance needs or, in the case  
28     of school districts electing annualized distributions, funds shall  
29     be used subject to section 33-911, Idaho Code. Uses of funds shall  
30     include regular and routine facilities maintenance, including preven-  
31     tive maintenance, building repairs, and building security, and shall  
32     also include periodic major facilities projects that involve plan-  
33     ning, design, construction, renovation, retrofitting, and replacing  
34     of buildings and building systems, components, and features, as well as  
35     site acquisition, site improvements, and new construction.

36             (b) Any funds distributed by the state to school districts for facil-  
37     ities must be used only for the purposes described in this subsection.  
38     Any funds intended for facilities but used for another purpose shall be  
39     returned to the state by the school district and deposited to the ~~state~~  
40     ~~general fund~~ school modernization facilities fund. If the school dis-  
41     trict fails to return such funds, an amount equivalent to the misused  
42     funds shall be deducted from the state's next payment to the school dis-  
43     trict pursuant to this chapter or chapter 52, title 33, Idaho Code.

44             (2) All funds shall be used for school facilities directly related to  
45     the school district's core educational mission. No funds shall be used for  
46     facilities with a primary athletic purpose.

47             (3) Each school district shall annually report to the state department  
48     of education, in a manner prescribed by the state department of education, on

1 the planned and actual expenditure of moneys it has received pursuant to this  
2 section.

3 (4) A model school facility council shall be created by July 1, 2024,  
4 to research, adopt, and recommend a model school facility plan that schools  
5 shall abide by when using school modernization facilities fund moneys pur-  
6 suant to the plan adopted in paragraph (c) of this subsection. The council  
7 shall:

8 (a) Be chaired by the executive director of the office of the state  
9 board of education, with administrative support provided by the office  
10 of the state board of education;

11 (b) Consist of nine (9) members, with three (3) members appointed by  
12 the governor, three (3) members appointed by the speaker of the house of  
13 representatives, and three (3) members appointed by the president pro  
14 tempore of the senate; and

15 (c) Adopt a model school facility plan and submit it to the legislature  
16 by July 1, 2026, that:

17 (i) Outlines a clear plan for school facility construction, in-  
18 cluding standardization for elementary schools, middle schools,  
19 and high schools;

20 (ii) Considers potential variability of school properties, ob-  
21 jectives, and goals; and

22 (iii) Consults all necessary experts to develop a thorough plan  
23 for school facilities to guide the use of funds from the school  
24 modernization facilities fund.

25 SECTION 5. That Section 33-5207, Idaho Code, as added by Section 23 of  
26 House Bill No. 422, as enacted by the Second Regular Session of the Sixty-  
27 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-  
28 lows:

29 33-5207. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as oth-  
30 erwise provided for in this section, the state department of education shall  
31 make the following apportionment to each charter school for each fiscal year  
32 based on attendance figures submitted in a manner and time as required by the  
33 state department of education.

34 (2) Per student support. Computation of support units for each public  
35 charter school shall be calculated as if it were a separate school accord-  
36 ing to the schedules in section 33-1002(4), Idaho Code, except that public  
37 charter schools with fewer than one hundred (100) secondary ADA shall use a  
38 divisor of twelve (12) and the minimum units shall not apply. No public char-  
39 ter school shall receive an increase in support units that exceeds the sup-  
40 port units it received in the prior year by more than forty (40), except in  
41 cases of state declared emergencies that have been approved by the autho-  
42 rizer as having an impact on public education. Funding from the state educa-  
43 tional support program shall be equal to the total distribution factor, plus  
44 the salary-based apportionment provided in chapter 10, title 33, Idaho Code.  
45 Provided, however, any public charter school that is formed by the conver-  
46 sion of an existing traditional public school shall be assigned divisors,  
47 pursuant to section 33-1002, Idaho Code, that are no lower than the divisors  
48 of the school district in which the traditional public school is located, for  
49 each category of pupils listed.

1 (3) Special education. For each student enrolled in the public char-  
2 ter school who is entitled to special education services, the public charter  
3 school shall receive the state and federal funds from the exceptional child  
4 education program for that student that would have been apportioned to the  
5 school district in which the public charter school is located.

6 (4) Alternative school support. Public charter schools may qualify  
7 under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
8 the public charter school meets the necessary statutory requirements and  
9 students qualify for attendance at an alternative school as provided by rule  
10 of the state board of education.

11 (5) Transportation support. Support shall be paid to the public char-  
12 ter school as provided in chapter 15, title 33, Idaho Code, and section  
13 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
14 ment with an enrollment count as of the first Friday in November of public  
15 charter school students who are eligible for reimbursement of transporta-  
16 tion costs under the provisions of this subsection and who reside more than  
17 one and one-half (1 1/2) miles from the school. The state department of edu-  
18 cation is authorized to include in the annual appropriation to the charter  
19 school sixty percent (60%) of the estimated transportation cost. The final  
20 appropriation payment in July shall reflect reimbursements of actual costs  
21 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-  
22 ment under the provisions of section 33-1006, Idaho Code, the student to be  
23 transported must reside within the public charter school's primary atten-  
24 dance area and must meet at least one (1) of the following criteria:

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

27 (b) The student resides within fifteen (15) miles by road of the public  
28 charter school. The limitations placed by this subsection on the reim-  
29 bursement of transportation costs for certain students shall not apply  
30 to public virtual schools.

31 (6) Facilities funds.

32 (a) The state department of education shall distribute facilities  
33 funds to public charter schools for each enrolled student in which a ma-  
34 jority of the student's instruction is received at a physical facility  
35 that is owned or leased by the public charter school. Such funds shall  
36 be used to defray the costs associated with payments for real property  
37 used by the students or employees of the public charter school for edu-  
38 cational or administrative purposes. Such funds shall be distributed  
39 ~~from the moneys appropriated to the educational support program and~~  
40 ~~shall be calculated as fifty percent (50%) of the statewide average~~  
41 ~~amount of bond and plant facility funds levied per student by Idaho~~  
42 ~~school districts at four hundred dollars (\$400) per attending student~~  
43 ~~pursuant to section 33-1003A, Idaho Code. For the purposes of this~~  
44 ~~paragraph, beginning in state fiscal year 2025, "attending student"~~  
45 ~~means each student in average daily attendance in kindergarten through~~  
46 ~~grade 12 at such physical charter school facilities where the student is~~  
47 ~~enrolled; except that, upon formal approval by the state board of educa-~~  
48 ~~tion, a charter school may receive an exemption to the physical facility~~  
49 ~~requirement pursuant to the provisions of this paragraph if the student~~  
50 ~~would have attended a physical facility if not for a stated emergency.~~

1 (b) For those public charter schools that do not receive facilities  
2 funds for all enrolled students, the school may submit to the state de-  
3 partment of education a reimbursement claim for any costs for which fa-  
4 cilities funds may be used. The state department of education shall re-  
5 duce such claim by the greater of fifty percent (50%) or the percentage  
6 of the school's enrolled students for which the school receives facili-  
7 ties funds and shall pay the balance. Provided, however, that the total  
8 reimbursements paid to a public charter school, in combination with any  
9 facilities stipend received by the school, shall not exceed the amount  
10 of facilities funds that would have been received by the school had the  
11 school received facilities funds for all enrolled students in average  
12 daily attendance pursuant to section 33-1003A, Idaho Code. For the  
13 purposes of this subsection, the term "real property" shall be used as  
14 defined in section 63-201, Idaho Code. A virtual public charter school  
15 authorized by the public charter school commission or authorized by a  
16 public school district on or after March 1, 2024, shall not be eligible  
17 for funds appropriated pursuant to the provisions of this subsection.

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

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

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

36 (c) All subsequent payments, taking into account the onetime advance  
37 payment made for the first year of operation, shall be made to the public  
38 charter school in the same manner as other traditional public schools in  
39 accordance with the provisions of section 33-1009, Idaho Code. A public  
40 charter school shall comply with all applicable fiscal requirements of  
41 law, except that the following provisions shall not be applicable to  
42 public charter schools: that portion of section 33-1004, Idaho Code,  
43 relating to reduction of the administrative and instructional staff  
44 allowance and the pupil service staff allowance when there is a dis-  
45 crepancy between the number allowed and the number actually employed;  
46 and section 33-1004E, Idaho Code, for calculation of district staff  
47 indices.

48 (8) If an authorizer has reason to believe that a public charter school  
49 cannot remain fiscally sound for the remainder of its certificate term, it  
50 shall provide the state department of education with written notification of

1 such concern. Upon receiving such notification, the state department of ed-  
2 ucation shall have the authority to modify the percentage of the total appro-  
3 priation to be paid to the public charter school pursuant to the provisions  
4 of section 33-1009 1., Idaho Code, such that equal percentages are paid on  
5 each of the prescribed dates.

6 (9) Each public charter school shall pay an authorizer fee to its au-  
7 thorizer, not to initially exceed twenty thousand dollars (\$20,000), or, in  
8 the case of existing charter schools, up to a five-percent (5%) increase of  
9 the previous year's fee. Authorizers shall annually set the authorizer's  
10 fee and in doing so shall document the fees to actual expenditures associated  
11 with authorizing.

12 (10) Nothing in this chapter shall prevent a public charter school from:

13 (a) Applying for federal grant moneys or for career technical education  
14 funding of any source; or

15 (b) Receiving funding or other financial assistance for the establish-  
16 ment or operation of a public charter school from any private person or  
17 organization.

18 (11) Each student in attendance at a public virtual school shall be  
19 funded based on either the actual hours of attendance in the public virtual  
20 school on a flexible schedule or the percentage of coursework completed,  
21 whichever is more advantageous to the school, up to the maximum of one (1)  
22 full-time equivalent student.

23 (12) All federal educational funds shall be administered and dis-  
24 tributed to public charter schools, including public virtual schools, that  
25 have been designated as a local education agency (LEA), as provided in sec-  
26 tion 33-5203, Idaho Code.

27 (13) Nothing in this section prohibits separate face-to-face learning  
28 activities or services. In order to be eligible for career technical educa-  
29 tion essential components funding, virtual schools may be required to offer  
30 some face-to-face instruction in order to meet industry standards, licens-  
31 ing requirements, work-based learning requirements, or other requirements  
32 set forth by law.

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

35 SECTION 6. That Section 33-5209A, Idaho Code, as added by Section 26 of  
36 House Bill No. 422, as enacted by the Second Regular Session of the Sixty-  
37 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-  
38 lows:

39 33-5209A. CHARTER RENEWALS. (1) A charter may be renewed for succes-  
40 sive terms. An authorizer may grant renewal with specific written condi-  
41 tions for necessary improvements to a public charter school and a date by  
42 which the conditions must be met.

43 (2) No later than September 1, the authorizer shall issue a public char-  
44 ter school performance report and charter renewal application guidance to  
45 any charter holder with a public charter school whose charter will expire the  
46 following year. The performance report shall summarize the public charter  
47 school's performance record to date, based on the performance certificate,  
48 and shall provide notice of any weaknesses or concerns that may jeopardize  
49 renewal, if not timely rectified. The charter holder shall have thirty (30)



1 days to respond to the performance report and submit any corrections or clar-  
2 ifications for the report.

3 (3) The renewal application guidance shall, at a minimum, provide an  
4 opportunity for the charter holder to:

5 (a) Present additional evidence, beyond the data contained in the per-  
6 formance report, supporting its case for charter renewal; and

7 (b) Describe improvements undertaken or planned for the school.

8 (4) The renewal application guidance shall include or refer explicitly  
9 to the criteria that will guide the authorizer's renewal decisions, which  
10 shall be based on independent fiscal audits and the performance framework  
11 set forth in the performance certificate.

12 (5) No later than December 15, the charter holder seeking renewal shall  
13 submit a renewal application to the authorizer pursuant to the renewal ap-  
14 plication guidance issued by the authorizer. The authorizer shall vote on  
15 the renewal application no later than March 15; if the authorizer does not  
16 vote by March 15, the application shall be deemed approved.

17 (6) In making charter renewal decisions, every authorizer shall:

18 (a) Ground its decisions in evidence of the school's performance over  
19 the term of the performance certificate;

20 (b) Ensure that data used in making renewal decisions are available to  
21 the school and the public;

22 (c) Take into consideration the actual and potential at-risk and  
23 economically disadvantaged makeup of the student body population as  
24 defined in section 33-1001, Idaho Code, for all grade levels;

25 (d) Provide a public report summarizing the evidence basis for each de-  
26 cision.

27 (7) An authorizer shall renew any charter in which the public charter  
28 school met all of the terms of its performance certificate at the time of re-  
29 newal for a term of twelve (12) years or, in the case of a pilot charter, a  
30 renewal term of six (6) years. An authorizer may renew for a six (6) year term  
31 or choose not to renew any charter in which the public charter school failed  
32 to meet one (1) or more of the terms of its performance certificate.

33 ~~(8) If an authorizer takes no action on a renewal, the charter shall be~~  
34 ~~provisionally renewed until such time as the chartering entity takes action.~~

35 ~~(9)~~ (8) A decision not to renew a charter or to deny a revision of a char-  
36 ter may be appealed to the office of administrative hearings and is subject  
37 to judicial review as a contested case as set forth in chapter 52, title 67,  
38 Idaho Code.

39 SECTION 7. An emergency existing therefor, which emergency is hereby  
40 declared to exist, Sections 5 and 6 of this act shall be in full force and ef-  
41 fect on and after passage and approval, and Sections 1 through 4 of this act  
42 shall be in full force and effect on and after July 1, 2024.