

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 163

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 FOR OPERATING A PUBLIC CHARTER SCHOOL. (1) 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 constitution 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.

(2) No board of trustees of a public school district may require:

(a) Any employee of the school district to be involuntarily assigned to work in a public charter school; or

(b) Any student enrolled in the school district to attend a public charter school.

(3) Employment of charter school teachers and administrators shall be on written contract.

(4) 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, which requires that the administrator:

(a) Holds a bachelor's degree from an accredited four (4) year institution;

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

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

(d) Submits a letter of support from a charter holder; and

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

(i) Four (4) or more years of experience administering a public charter school;

(ii) A postbaccalaureate degree and a minimum of five (5) years of experience in school administration, public administration, business administration, or military administration;

1 (iii) Successful completion of a nationally recognized charter
2 school leaders fellowship; or

3 (iv) Four (4) or more years of teaching experience and a commit-
4 ment from an administrator at a charter school in academic, op-
5 erational, and financial good standing, according to its autho-
6 rizer's most recent review, to mentor the applicant for a minimum
7 of one (1) year.

8 (5) A charter school administrator certificate is valid for five (5)
9 years and renewable thereafter. Administrators shall be subject to over-
10 sight by the professional standards commission. Certificates may be revoked
11 pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a
12 certificate to any applicant may be refused for such reason as would have
13 constituted grounds for revocation.

14 (6) Certified teachers in a public charter school shall be considered
15 public school teachers. Educational experience shall accrue for service in
16 a public charter school and be counted by any school district for any teacher
17 who has been employed in a public charter school. The staff of the public
18 charter school shall be considered a separate unit for the purposes of col-
19 lective bargaining.

20 (7) Charter school teachers may be certified pursuant to the require-
21 ments set forth in chapter 12, title 33, Idaho Code, pertaining to tradi-
22 tional public school districts or may hold a charter school-specific teach-
23 ing certificate.

24 (a) Criteria for a charter school-specific teaching certificate shall
25 be in writing and require that teachers satisfy the provisions set forth
26 in section 33-1202 1., 3., and 4., Idaho Code, and meet the following
27 minimum educational or professional qualifications:

28 (i) Hold a bachelor's degree from an accredited institution; or

29 (ii) If instructing students in the fields of career technical
30 education, satisfy the provisions of section 33-2205(6) (a), Idaho
31 Code. Career technical education programs taught by teachers
32 with a charter school-specific teaching certificate shall receive
33 added-cost funding set forth in section 33-2215, Idaho Code, in an
34 amount equal to programs taught by teachers with an occupational
35 specialist teaching certificate.

36 (b) Teachers with a charter school-specific teaching certificate shall
37 receive mentoring and professional development as approved by the char-
38 ter holder.

39 (c) The state board of education shall issue charter school-specific
40 teaching certificates to teachers upon recommendation of the individ-
41 ual charter school, unless denied on the grounds set forth in section
42 33-1208, Idaho Code.

43 (d) For teachers holding a charter school-specific teaching certifi-
44 cate, a charter school may substitute its own ongoing education and pro-
45 fessional development requirements in place of those set forth in rule
46 by the state board of education if the same number of credit hours is
47 required as that of teachers holding a standard instructional certifi-
48 cate.

49 (8) Public charter schools may contract with educational services
50 providers subject to the following provisions:

1 (a) Educational services providers shall be third-party entities separate from the public charter schools with which they contract and shall
2 not be considered governmental entities, provided that such contracts
3 may be evaluated by the authorizer;
4

5 (b) No more than one-third (1/3) of the public charter school's board
6 membership may be comprised of nonprofit educational services provider
7 representatives. Nonprofit educational services provider repre-
8 sentatives may not be employees of the public charter school or the
9 educational services provider and may not hold office as president or
10 treasurer on the public charter school's board. For-profit educational
11 services providers may not have representatives on the public charter
12 school's board of directors;

13 (c) Charter holders shall annually disclose any existing and potential
14 conflicts of interest, pecuniary or otherwise, with affiliated educa-
15 tional services providers;

16 (d) Charter holders shall retain accountability for academic, fiscal,
17 and organizational operations and outcomes of the school and may not re-
18 linquish this responsibility to any other entity;

19 (e) Contracts must ensure that school boards retain the right to termi-
20 nate the contract for failure to meet defined performance standards af-
21 ter notice and a reasonable cure period has expired and if material de-
22 ficiencies have not been cured prior to that time period expiring;

23 (f) Contracts must ensure that assets purchased by educational ser-
24 vices providers on behalf of the school, using public funds, shall
25 remain assets of the school. The provisions of this paragraph shall
26 not prevent educational services providers from acquiring assets using
27 revenue acquired through management fees;

28 (g) Charter holders shall consult legal counsel independent of the
29 party with whom they are contracting for purposes of reviewing the
30 school's management contract and facility lease or purchase agreements
31 to ensure compliance with applicable state and federal law, including
32 requirements that state entities not enter into contracts that obligate
33 them beyond the terms of any appropriation of funds by the state legis-
34 lature;

35 (h) Charter holders must ensure that their facility contracts are sepa-
36 rate from management contracts; and

37 (i) A virtual school shall be deemed financially sufficient if there is
38 an agreement that requires an educational services provider to assume
39 the virtual school's financial risk when it does not have sufficient
40 residual funds to pay the educational services provider. Where this
41 paragraph is applicable, the educational services provider shall make
42 its audited financial statements available, unless the educational
43 services provider already makes such audited financial statements pub-
44 licly available for compliance with other federal or state laws.

45 (9) Admission procedures, including provision for over-enrollment,
46 shall provide that the initial admission procedures for a public charter
47 school will be determined by lottery or other random method, except as oth-
48 erwise provided in this section. A charter holder shall strive to ensure
49 that citizens in the primary attendance area are made aware of the enrollment
50 opportunities and deadline. The public notice must include the enrollment

1 deadline, the public charter school's total enrollment capacity for the next
2 school year, and an advisory that all prospective students will be given
3 the opportunity to enroll in the public charter school regardless of race,
4 color, national origin, ethnicity, religion, gender, socioeconomic status,
5 or special needs.

6 (a) If initial capacity is insufficient to enroll all pupils who submit
7 a timely application, then the admission procedures may provide that
8 preference shall be given in the following order: first, to children
9 of founders, provided that this admission preference shall be limited
10 to not more than ten percent (10%) of the capacity of the public charter
11 school; second, to children of families with at least one (1) parent or
12 legal guardian who is on active duty or on active guard and reserve duty,
13 as those terms are defined in 10 U.S.C. 101; third, to siblings of pupils
14 already selected by the lottery or other random method; ~~third~~ fourth, to
15 pupils seeking to transfer from another Idaho public charter school or
16 authorizer at which they have been enrolled for at least one (1) year,
17 provided that this admission preference shall be subject to an exist-
18 ing written agreement for such preference between the subject charter
19 schools or authorizer; ~~fourth~~ fifth, to students residing within the
20 primary attendance area of the public charter school; and ~~fifth~~ sixth,
21 by an equitable selection process such as a lottery or other random
22 method. A public charter school may weight the school's lottery to
23 preference admission for the following educationally disadvantaged
24 students: students living at or below one hundred eighty-five percent
25 (185%) of the federal poverty level, students who are homeless or in
26 foster care, children with disabilities as defined in section 33-2001,
27 Idaho Code, students with limited English proficiency, and students who
28 are at-risk as defined in section 33-1001, Idaho Code. A public charter
29 school may include the children of full-time employees of the public
30 charter school within the first priority group, subject to the limita-
31 tions therein.

32 (b) If capacity is insufficient to enroll all pupils who submit a timely
33 application for subsequent school terms, then the admission procedures
34 may provide that preference shall be given in the following order:
35 first, to pupils returning to the public charter school in the second
36 or any subsequent year of its operation; and then as provided in para-
37 graph (a) of this subsection. The sibling preference in subsequent
38 school years applies to siblings of a returning pupil and of a pupil
39 selected by the lottery or other random method. A new lottery shall be
40 conducted each year to fill vacancies that become available. A public
41 charter school may weight the school's lottery to preference admission
42 as provided in this paragraph and paragraph (a) of this subsection and
43 for children who attended the public charter school within the previous
44 three (3) school years but withdrew as a result of the relocation of a
45 parent or guardian due to an academic sabbatical or an employer or mili-
46 tary transfer or reassignment.

47 (c) Each public charter school shall establish a process under which a
48 child may apply for enrollment or register for courses, regardless of
49 where such child resides at the time of application or registration, if
50 the child is a dependent of a member of the United States armed forces

1 who has received transfer orders to a location in Idaho and will, upon
2 such transfer, reside in an area served by the public charter school.
3 If capacity is insufficient as described in paragraph (a) or (b) of this
4 subsection, a child described in this paragraph shall be treated as a
5 student residing within the primary attendance area of the public char-
6 ter school for purposes of preference. Otherwise, such children shall
7 be included in the highest priority group for which they would otherwise
8 be eligible.

9 (d) Admission to a public charter school shall be determined by a selec-
10 tion process held within seven (7) days of the enrollment deadlines es-
11 tablished by the charter holder. The selection process must take place
12 in a public setting, the date and time of which must be noticed to the
13 public at least forty-eight (48) hours in advance.

14 (e) Within seven (7) days after conducting the selection process, the
15 charter holder shall send an offer to the legal guardian who submitted a
16 written request for admission on behalf of a student notifying such per-
17 son that the student has been selected for admission to the public char-
18 ter school. An offer must be signed by such student's parent or guardian
19 and returned to the public charter school by the date designated in such
20 offer letter. Remaining students shall be notified that they may be el-
21 igible for admission at a later date if a seat becomes available.

22 (f) If a school exceeds its projected student count in a lottery and
23 a sufficient wait list exists, the school may increase enrollment by
24 adding additional students per grade, not to exceed the total amount of
25 students authorized by the charter.

26 SECTION 2. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2025.