

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 588

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1619, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL EDUCATION PROGRAMS; AMENDING SECTION 33-5202A, IDAHO CODE, TO REVISE DEFINITIONS; 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 33-1619, Idaho Code, be, and the same is hereby amended to read as follows:

33-1619. VIRTUAL EDUCATION PROGRAMS. (1) School districts may offer instruction via the internet in a distributed environment. For programs meeting such definition, the school district may count and report the average daily attendance of the program's students in the manner prescribed in section 33-5207, Idaho Code. School districts may also offer instruction that is a blend of virtual and traditional instruction. For such blended programs, the school district may count and report the average daily attendance of the program's students in the manner prescribed in section 33-5207, Idaho Code. Alternatively, the school district may count and report the average daily attendance of the blended program's students in the same manner as provided for traditional programs of instruction, for the days or portions of days in which such students attend a physical public school. For the balance of days or portions of days, average daily attendance may be counted in the manner prescribed in section 33-5207, Idaho Code.

(2) School districts offering virtual education programs pursuant to this section shall:

(a) Make available to the state board of education the information required under section 33-5205(3), Idaho Code;

(b) Require that all contracts and any subsequent amendments thereto between a school district and an educational services provider as defined in section 33-5202A, Idaho Code, relating to the provision of virtual learning to students be approved by the school district board of trustees prior to execution;

(c) Maintain records that verify proof of Idaho residency for all students enrolled in a virtual education program; and

(d) Ensure that all curricular materials, as defined in section 33-118A, Idaho Code, including alternative or supplemental curriculum, meet content standards as set forth in rule promulgated by the state board of education and establish a system to document such curriculum.

(3) Any educational services provider contracting with and receiving public funds from a school district for a virtual education program shall

1 provide a written disclosure of services and costs in its contract that
 2 shall:

3 (a) Identify the specific services provided to the school district;

4 (b) Identify the cost of each service or category of service and the
 5 method used to calculate such cost; and

6 (c) Demonstrate a clear relationship between the public funds received
 7 and the services provided.

8 (4) Any virtual education program and educational services provider
 9 with which a school district contracts shall establish policies regarding
 10 conflicts of interest for individuals who are employed by both the school
 11 district and the educational services provider with which the district
 12 contracts. Such policies shall include mechanisms for accountability and
 13 oversight.

14 (5) No school district, virtual education program, or educational ser-
 15 vices provider with which they contract shall furnish any payment of state
 16 funds directly to parents or legal guardians of enrolled students. Any state
 17 funds determined by the school district to be used as supplemental learning
 18 funds shall be used only for eligible education expenses as provided in sec-
 19 tion 33-5206(8) (m), Idaho Code. "Supplemental learning funds" has the same
 20 meaning as in section 33-5206(8) (m), Idaho Code. Eligible education ex-
 21 penditures shall be available for all courses, including elective courses. Such
 22 funds shall be expended through direct order by the school district only,
 23 except as otherwise provided in section 33-5206(8) (m), Idaho Code.

24 (6) Every person who is employed in the capacity of teacher in a vir-
 25 tual education program provided for in this section shall hold a certificate
 26 as required under section 33-1201, Idaho Code. A school district shall re-
 27 tain the authority to hire, oversee, and evaluate all teachers delivering
 28 instruction in a virtual education program.

29 SECTION 2. That Section 33-5202A, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-
 32 quires otherwise:

33 (1) "Application" means the document submitted to the authorizer to re-
 34 quest the creation of a public charter school.

35 (2) "Authorizer" means any of the following:

36 (a) A local board of trustees of a school district;

37 (b) The public charter school commission;

38 (c) An Idaho public college, university, or community college; or

39 (d) A private, nonprofit, Idaho-based, nonsectarian college or univer-
 40 sity that is accredited by the same organization that accredits Idaho
 41 public colleges and universities.

42 (3) "Charter" means the grant of authority approved by the authorizer
 43 to the charter holder.

44 (4) "Charter holder" means the public charter school's board of direc-
 45 tors to which a charter is granted.

46 (5) "Educational services provider" means a nonprofit or for-profit
 47 entity that contracts with a public charter school or a school district for a
 48 fee to provide educational services and resources, including administrative
 49 support and educational design, implementation, or management.

1 (6) "Founder" means a person who makes a material contribution toward
2 the establishment of a public charter school and who is designated as such by
3 the charter holder.

4 (7) "Performance certificate" means a fixed-term, renewable certifi-
5 cate between a public charter school and an authorizer that outlines the ne-
6 gotiated roles, powers, responsibilities, and performance expectations for
7 each party to the certificate.

8 (8) "Public charter school" means a school that is authorized pursuant
9 to this chapter to deliver public education in Idaho.

10 (9) "Public charter school commission" or "commission" means the pub-
11 lic charter school commission established pursuant to section 33-5213,
12 Idaho Code.

13 (10) "Traditional public school" means any school that is operated and
14 controlled by a school district in this state.

15 (11) "Virtual school" means a public charter school that delivers
16 a full-time, sequential program of synchronous and/or asynchronous in-
17 struction primarily through the use of technology via the internet in a
18 distributed environment. Schools classified as virtual must have an online
19 component to their school with online lessons and tools for student and data
20 management. Students enrolled in a virtual school may meet at the same loca-
21 tion and time while receiving virtual instruction.

22 SECTION 3. That Section 33-5206, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 33-5206. REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL. (1) A
25 public charter school shall be nonsectarian in its programs, affiliations,
26 admission policies, employment practices, and all other operations, shall
27 not charge tuition, levy taxes, or issue bonds, and shall not discriminate
28 against any student on any basis prohibited by the federal or state consti-
29 tution or any federal, state, or local law. Public charter schools shall
30 comply with the federal individuals with disabilities education act. Ad-
31 mission to a public charter school shall not be determined according to the
32 place of residence of the student or of the student's parent or guardian
33 within the district.

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

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

37 (b) Any student enrolled in the school district to attend a public char-
38 ter school.

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

41 (4) Administrators may be certified pursuant to the requirements set
42 forth in chapter 12, title 33, Idaho Code, pertaining to traditional public
43 schools or may hold a charter school administrator certificate, which re-
44 quires that the administrator:

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

47 (b) Submits to a criminal history check as described in section 33-130,
48 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 of support from a charter holder; and

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

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

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

11 (iii) Successful completion of a nationally recognized charter
12 school leaders fellowship; or

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

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

24 (6) Certified teachers in a public charter school shall be considered
25 public school teachers. Educational experience shall accrue for service in
26 a public charter school and be counted by any school district for any teacher
27 who has been employed in a public charter school. The staff of the public
28 charter school shall be considered a separate unit for the purposes of col-
29 lective bargaining.

30 (7) Charter school teachers, including teachers in virtual schools,
31 may be certified pursuant to the requirements set forth in chapter 12, title
32 33, Idaho Code, pertaining to traditional public school districts or may
33 hold a charter school-specific teaching certificate.

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

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

39 (ii) If instructing students in the fields of career technical
40 education, satisfy the provisions of section 33-2205(6)(a), Idaho
41 Code. Career technical education programs taught by teachers
42 with a charter school-specific teaching certificate shall receive
43 added-cost funding set forth in section 33-2215, Idaho Code, in an
44 amount equal to programs taught by teachers with an occupational
45 specialist teaching certificate.

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

49 (c) The state board of education shall issue charter school-specific
50 teaching certificates to teachers upon recommendation of the individ-

1 ual charter school, unless denied on the grounds set forth in section
2 33-1208, Idaho Code.

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

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

11 (a) Educational services providers shall be third-party entities sepa-
12 rate from the public charter schools with which they contract and shall
13 not be considered governmental entities, provided that such contracts
14 may be evaluated by the authorizer;

15 (b) No more than one-third (1/3) of the public charter school's board
16 membership may be comprised of nonprofit educational services provider
17 representatives. Nonprofit educational services provider repre-
18 sentatives may not be employees of the public charter school or the
19 educational services provider and may not hold office as president or
20 treasurer on the public charter school's board. For-profit educational
21 services providers may not have representatives on the public charter
22 school's board of directors. The board of directors of public char-
23 ter schools, including virtual schools, and the educational services
24 providers with which a school contracts shall establish policies for
25 individuals who are employed by both the public charter school and the
26 educational services provider with which the school contracts. Such
27 policies shall include protocol regarding conflicts of interest, mech-
28 anisms for accountability and oversight, and guidelines for employees;

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

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

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

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

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

1 (h) Charter holders must ensure that their facility contracts are separate from management contracts; ~~and~~

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3 (i) A virtual school shall be deemed financially sufficient if there is
4 an agreement that requires an educational services provider to assume
5 the virtual school's financial risk when it does not have sufficient
6 residual funds to pay the educational services provider. Where this
7 paragraph is applicable, the educational services provider shall make
8 its audited financial statements available, unless the educational
9 services provider already makes such audited financial statements publicly
10 available for compliance with other federal or state laws;

11 (j) All contracts and any subsequent amendments thereto between a virtual school and an educational services provider relating to the provision of virtual learning to students shall be approved by the school's board of directors prior to execution. Such virtual schools shall provide proof of Idaho residency for all enrolled students to the authorizer, upon request;

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13 (k) Curricular materials, as defined in section 33-118A, Idaho Code, including any alternative or supplemental curriculum, shall meet content standards as set forth in rule promulgated by the state board of education, and a system shall be established to document such curriculum;

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15 (l) Any educational services provider contracting with and receiving public funds from a virtual school shall provide a written disclosure of services and costs in its contract that shall:

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17 (i) Identify the specific services provided to the virtual school;

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19 (ii) Identify the cost of each service or category of service and the method used to calculate such cost; and

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21 (iii) Demonstrate a clear relationship between the public funds received and the services provided; and

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23 (m) (i) No public charter school, virtual school, or educational services provider with which they contract shall furnish any payment of state funds directly to parents or legal guardians of enrolled students. Any state funds determined by the virtual school to be used as supplemental learning funds shall be used only for eligible education expenses as provided in this paragraph. "Supplemental learning funds" means state funds that are locally determined to be used to enhance educational services or resources and to cover educational costs for students learning outside traditional classrooms and learning at home. Eligible education expenses shall be available for all courses, including elective courses. Such funds shall be expended through direct order by the virtual school only, except as otherwise provided in this paragraph.

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25 (ii) Eligible educational expenses, for the purposes of this section, includes:

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27 1. Computer hardware, internet access, or other technological devices or services that are primarily used to meet a student's educational needs, provided that expenses for internet access shall be eligible for reimbursement;

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1 2. Textbooks, curricula, or other instructional materials,
2 including educational software and applications;

3 3. Fees for national standardized assessments, advanced
4 placement examinations, examinations related to college or
5 university admissions, or industry-recognized certifica-
6 tion examinations;

7 4. Therapies, including but not limited to occupational,
8 behavioral, physical, speech-language, and audiology ther-
9 apies, or other services or therapies specifically approved
10 by the state board of education; and

11 5. Other educational expenses and services as approved by
12 the state board of education.

13 (iii) The state board of education shall promulgate rules, subject
14 to legislative approval, to implement the provisions of this para-
15 graph. Such rules shall include a list of allowable items for eli-
16 gible educational expenses.

17 (9) Except as otherwise provided in this chapter, authorizers shall not
18 contract with any public charter schools, including virtual schools, that
19 such authorizers approved.

20 (10) A virtual school shall retain the authority to hire, oversee, and
21 evaluate all teachers delivering instruction in the virtual school.

22 ~~(9)~~ (11) Admission procedures, including provision for over-enroll-
23 ment, shall provide that the initial admission procedures for a public char-
24 ter school will be determined by lottery or other random method, except as
25 otherwise provided in this section. A charter holder shall strive to ensure
26 that citizens in the primary attendance area are made aware of the enroll-
27 ment opportunities and deadline. The public notice must include the enroll-
28 ment deadline, the public charter school's total enrollment capacity for the
29 next school year, and an advisory that all prospective students will be given
30 the opportunity to enroll in the public charter school regardless of race,
31 color, national origin, ethnicity, religion, gender, socioeconomic status,
32 or special needs.

33 (a) If initial capacity is insufficient to enroll all pupils who submit
34 a timely application, then the admission procedures may provide that
35 preference shall be given in the following order: first, to children
36 of founders, provided that this admission preference shall be limited
37 to not more than ten percent (10%) of the capacity of the public charter
38 school; second, to siblings of pupils already selected by the lottery
39 or other random method; third, to pupils seeking to transfer from an-
40 other Idaho public charter school or authorizer at which they have been
41 enrolled for at least one (1) year, provided that this admission prefer-
42 ence shall be subject to an existing written agreement for such prefer-
43 ence between the subject charter schools or authorizer; fourth, to stu-
44 dents residing within the primary attendance area of the public charter
45 school; and fifth, by an equitable selection process such as a lottery
46 or other random method. A public charter school may weight the school's
47 lottery to preference admission for the following educationally dis-
48 advantaged students: students living at or below one hundred eighty-
49 five percent (185%) of the federal poverty level, students who are home-
50 less or in foster care, children with disabilities as defined in sec-

1 tion 33-2001, Idaho Code, students with limited English proficiency,
2 and students who are at-risk as defined in section 33-1001, Idaho Code.
3 A public charter school may include the children of full-time employees
4 of the public charter school within the first priority group, subject to
5 the limitations therein.

6 (b) If capacity is insufficient to enroll all pupils who submit a timely
7 application for subsequent school terms, then the admission procedures
8 may provide that preference shall be given in the following order:
9 first, to pupils returning to the public charter school in the second
10 or any subsequent year of its operation; and then as provided in para-
11 graph (a) of this subsection. The sibling preference in subsequent
12 school years applies to siblings of a returning pupil and of a pupil
13 selected by the lottery or other random method. A new lottery shall be
14 conducted each year to fill vacancies that become available. A public
15 charter school may weight the school's lottery to preference admission
16 as provided in this paragraph and paragraph (a) of this subsection and
17 for children who attended the public charter school within the previous
18 three (3) school years but withdrew as a result of the relocation of a
19 parent or guardian due to an academic sabbatical or an employer or mili-
20 tary transfer or reassignment.

21 (c) Each public charter school shall establish a process under which a
22 child may apply for enrollment or register for courses, regardless of
23 where such child resides at the time of application or registration, if
24 the child is a dependent of a member of the United States armed forces
25 who has received transfer orders to a location in Idaho and will, upon
26 such transfer, reside in an area served by the public charter school.
27 If capacity is insufficient as described in paragraph (a) or (b) of this
28 subsection, a child described in this paragraph shall be treated as a
29 student residing within the primary attendance area of the public char-
30 ter school for purposes of preference. Otherwise, such children shall
31 be included in the highest priority group for which they would otherwise
32 be eligible.

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

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

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

1 SECTION 4. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2026.