

TITLE 33
EDUCATION

CHAPTER 58
LOCAL INNOVATION SCHOOL ACT

33-5801. LOCAL INNOVATION SCHOOL ACT. There is hereby established the local innovation school act. Participating schools and districts will evaluate existing laws and administrative rules to receive flexibility from laws and policies that impede local autonomy, allowing them to be agile, innovative and empowered to adapt to local circumstances.

[33-5801, added 2016, ch. 305, sec. 1, p. 859.]

33-5802. DEFINITIONS. As used in this chapter:

(1) "Board" means the governing body of a school district or public charter school.

(2) "Innovation school" means a public school participating in the local innovation school act.

(3) "Innovation school agreement" means a written agreement between the innovation school team and the board establishing the innovation school.

(4) "Innovation school team" means the combination of individuals responsible for the operations of an innovation school.

[33-5802, added 2016, ch. 305, sec. 1, p. 859.]

33-5803. ELIGIBILITY TO PARTICIPATE -- REQUIREMENTS AND EXEMPTIONS. (1) Up to ten (10) public schools per year for each of school years 2016 through 2021, totaling not more than fifty (50) schools, are eligible to participate in the local innovation school act by following the processes set forth in section [33-5804](#), Idaho Code. If more than ten (10) schools seek to establish an innovation school in any single year, the first ten (10) schools to notify the state board of education pursuant to section [33-5804](#), Idaho Code, shall be established as innovation schools.

(2) The following shall apply to an innovation school:

(a) State, federal and local laws prohibiting discrimination;

(b) Laws governing safety including, but not limited to, sections [33-122](#) and [33-130](#), Idaho Code;

(c) Section [33-119](#), Idaho Code, as such section applies to secondary schools accreditation; and

(d) Section [33-5204](#), Idaho Code, if the innovation school is an existing public charter school authorized by the school district.

(3) Except as otherwise provided in subsection (2) of this section, pursuant to the terms of the innovation school agreement, innovation schools may be exempted from the following:

(a) Idaho Code statutes applicable to a school board or school district;

(b) Rules promulgated or guidelines adopted by the state board of education or state department of education; and

(c) Local district policies, including terms and conditions of employment.

[33-5803, added 2016, ch. 305, sec. 1, p. 859.]

33-5804. INNOVATION SCHOOL AGREEMENT. (1) An innovation school may be established by a written innovation school agreement between:

(a) A majority of the teachers at the school seeking to establish an innovation school, in cooperation with a principal or a superintendent, or both;

(b) A board; and

(c) The authorizer if the innovation school is a public charter school.

(2) The innovation school agreement shall include:

(a) A statement that the innovation school is considered to be part of the school district and not considered a separate local education agency;

(b) A provision that the district shall distribute estimated state, federal and local funding to the innovation school consistent with the amounts it distributes to other schools in the district;

(c) The performance goals and accountability metrics agreed upon for the innovation school;

(d) The duration of the agreement, which shall be for not less than three (3) years and include automatic renewal at the option of the innovation school team if all conditions under the agreement are satisfied;

(e) Grounds for termination of the agreement, including the right of termination if the innovation school team fails to:

(i) Comply with the conditions or procedures established in the innovation school agreement;

(ii) Meet generally accepted fiscal management and government accounting principles;

(iii) Comply with applicable laws; or

(iv) Meet the educational goals set forth in the innovation school agreement;

(f) If the innovation school is an existing public charter school authorized by the district, a statement regarding which provisions of [chapter 52](#) of this title shall apply;

(g) A provision that specifies that the innovation school will administer the Idaho standards achievement test;

(h) A statement that the innovation school will meet content standards as set forth in rule promulgated by the state board of education; and

(i) A statement specifying how graduation requirements will be addressed.

(3) The board shall notify the state board of education within thirty (30) days after entering into an innovation school agreement to establish an innovation school. Upon receiving notification, the state board of education shall notify the state department of education, and the state department of education shall, for school years starting after the date of the agreement:

(a) Within sixty (60) days of notification, distribute ten thousand dollars (\$10,000) to the innovation school team to be used for planning purposes;

(b) Treat the innovation school as part of the local district for purposes of state and national assessments; and

(c) Treat the innovation school in the same manner as a school operated by the local district when calculating the total amount of state and federal funding to be distributed to the school district.

(4) For as long as an innovation school team operates an innovation school:

(a) The innovation school team may use the school building, the accompanying real property and the building's contents, equipment and supplies, unless otherwise provided in the innovation school agreement.

(b) The school district shall provide the innovation school with transportation, building and grounds maintenance and repair, and access to funds consistent with that afforded other schools in the same district.

(c) With the exception of funds described in subsection (3) (a) of this section, an innovation school is not entitled to any state funding not afforded other district schools.

(d) If an innovation school team contracts with a school district for goods or services, the school district may not charge more for the goods or services than the school district pays for the goods or services.

(5) The innovation school team shall have full operational autonomy to run the innovation school as provided in the innovation school agreement.

(6) Employees of an innovation school may organize and create collectively bargained working conditions with the innovation school team, consistent with the principles, vision, goals and essential characteristics of the innovation school.

(7) Individuals employed by an innovation school are entitled to participate in the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance and health insurance.

(8) If an agreement is terminated pursuant to subsection (2) (e) of this section, then the affected school shall revert to the type of school it was immediately before becoming an innovation school and shall thereby be subject to all applicable laws, rules, guidelines and policies.

[33-5804, added 2016, ch. 305, sec. 1, p. 859.]

33-5805 [33-5905]. IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD. (1) There is hereby established in the Idaho division of building safety the Idaho school safety and security advisory board. The advisory board shall consist of thirteen (13) members as follows:

(a) Four (4) members appointed by the governor as follows:

(i) One (1) parent of a student who attends an Idaho public school;

(ii) One (1) teacher who teaches in an Idaho public school;

(iii) One (1) representative of a local school board; and

(iv) One (1) representative of school superintendents;

(b) One (1) representative from the office of the state superintendent of public instruction;

(c) One (1) representative from the state board of education;

(d) One (1) representative from the Idaho state police;

(e) One (1) representative from the Idaho chiefs of police association;

(f) One (1) representative from the Idaho sheriffs' association;

(g) One (1) representative from the Idaho bureau of homeland security;

(h) One (1) representative from the Idaho fire chiefs association; and

(i) Two (2) representatives from the state legislature that shall include one (1) member from the senate appointed by the president pro tempore of the senate and one (1) member from the house of representatives appointed by the speaker of the house of representatives.

(2) The members of the advisory board shall serve the following terms:

(a) The gubernatorial appointees shall serve terms of three (3) years.

(b) All other members shall serve terms of two (2) years.

(3) A vacancy on the advisory board shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

(4) The advisory board shall appoint a chairperson from among its members for a term certain.

(5) The members of the advisory board shall be compensated as provided in section [59-509](#)(b), Idaho Code.

(6) The advisory board shall meet at least annually, but may meet more frequently subject to the call of the chairperson.

[33-5805 [33-5905], added 2016, ch. 192, sec. 1, p. 535.]

33-5806 [33-5906]. POWERS AND DUTIES OF THE IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD. The Idaho school safety and security advisory board shall:

(1) Develop, annually review and modify, if necessary, school safety and security guidelines for the office of school safety and security to use in conducting its annual assessments, training and technical assistance pursuant to section [33-5804 \[33-5904\]](#), Idaho Code;

(2) Regularly assess safety and security resources that may be used in public educational facilities; and

(3) On or before February 1 of each year, report to the legislature and to the governor on the status of school safety and security in the Idaho public educational facilities.

[33-5806 [33-5906], added 2016, ch. 192, sec. 1, p. 536.]