

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO ESTAB-  
2 LISH PROVISIONS REGARDING CERTIFICATES FOR CHARTER SCHOOL ADMINISTRA-  
3 TORS AND TO MAKE TECHNICAL CORRECTIONS.  
4

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

6 SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER  
9 SCHOOL. (1) In addition to any other requirements imposed in this chapter, a  
10 public charter school shall be nonsectarian in its programs, affiliations,  
11 admission policies, employment practices, and all other operations, shall  
12 not charge tuition, levy taxes or issue bonds, and shall not discriminate  
13 against any student on any basis prohibited by the federal or state constitu-  
14 tions or any federal, state or local law. Public charter schools shall com-  
15 ply with the federal individuals with disabilities education act. Admission  
16 to a public charter school shall not be determined according to the place of  
17 residence of the student, or of the student's parent or guardian within the  
18 district, except that a new, replication or conversion public charter school  
19 established under the provisions of this chapter shall adopt and maintain a  
20 policy giving admission preference to students who reside within the con-  
21 tiguous and compact primary attendance area of that public charter school.

22 (2) No board of trustees shall require any employee of the school dis-  
23 trict to be involuntarily assigned to work in a public charter school.

24 (3) 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 such experience shall be counted by any school  
27 district for any teacher who has been employed in a public charter school.  
28 The staff of the public charter school shall be considered a separate unit  
29 for the purposes of collective bargaining.

30 (4) Employment of charter school teachers and administrators shall be  
31 on written contract conditioned upon a valid certificate being held by such  
32 professional personnel at the time of entering upon the duties thereunder.  
33 Administrators may be certified pursuant to the requirements set forth in  
34 chapter 12, title 33, Idaho Code, pertaining to traditional public schools,  
35 or may hold a charter school administrator certificate. An applicant is eli-  
36 gible for a charter school administrator certificate if the applicant:

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

39 (b) Submits to a criminal history check as described in section 33-130,  
40 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; and

4        (d) Submits a letter from a charter school board of directors stating  
5        that the board of directors has carefully considered the applicant's  
6        candidacy, has chosen to hire the applicant and is committed to oversee-  
7        ing the applicant's performance.

8        A charter school administrator certificate shall be valid for five (5) years  
9        and renewable thereafter. Administrators shall be subject to oversight  
10       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       (5) No board of trustees shall require any student enrolled in the  
15 school district to attend a public charter school.

16       (6) Authorized chartering entities may establish reasonable pre-open-  
17 ing requirements or conditions to monitor the start-up progress of newly  
18 approved public charter schools and ensure that they are prepared to open  
19 smoothly on the date agreed, and to ensure that each school meets all build-  
20 ing, health, safety, insurance and other legal requirements for school  
21 opening.

22       (7) Each public charter school shall annually submit the audit of its  
23 fiscal operations to the authorized chartering entity.

24       (8) A public charter school or the authorized chartering entity may  
25 enter into negotiations to revise a charter or performance certificate at  
26 any time. If a public charter school petitions to revise its charter or  
27 performance certificate, the authorized chartering entity's review of the  
28 revised petition shall be limited in scope solely to the proposed revisions.  
29 Except for public charter schools authorized by a school district board of  
30 trustees, when a non-virtual public charter school submits a proposed char-  
31 ter revision to its authorized chartering entity and such revision includes  
32 a proposal to increase such public charter school's approved student enroll-  
33 ment cap by ten percent (10%) or more, the authorized chartering entity shall  
34 hold a public hearing on such petition. The authorized chartering entity  
35 shall provide the board of the local school district in which the public  
36 charter school is physically located notice in writing of such hearing no  
37 later than thirty (30) days prior to the hearing. The public hearing shall  
38 include any oral or written comments that an authorized representative of  
39 the school district in which the public charter school is physically located  
40 may provide regarding the impact of the proposed charter revision upon the  
41 school district. Such public hearing shall also include any oral or written  
42 comments that any petitioner may provide regarding the impact of the pro-  
43 posed charter revision upon such school district.

44       (9) When a charter is nonrenewed pursuant to the provisions of section  
45 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or  
46 the board of directors of the public charter school terminates the charter,  
47 the assets of the public charter school remaining after all debts of the pub-  
48 lic charter school have been satisfied must be returned to the authorized  
49 chartering entity for distribution in accordance with applicable law.

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

3 (a) Educational services providers, whether for-profit or nonprofit,  
4 shall be third-party entities separate from the public charter schools  
5 with which they contract. Educational services providers shall not be  
6 considered governmental entities.

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

15 (c) Public charter school board of director members shall annually dis-  
16 close any existing and potential conflicts of interest, pecuniary or  
17 otherwise, with affiliated educational services providers.

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

21 (e) Contracts must ensure that school boards retain the right to termi-  
22 nate the contract for failure to meet defined performance standards.

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 any and all management contracts.

37 (i) Prior to approval of the charter petition indicating the school  
38 board's intention to contract with an educational services provider,  
39 authorized chartering entities shall conduct a thorough evaluation of  
40 the academic, financial and organizational outcomes of other schools  
41 that have contracted with the educational services provider and evi-  
42 dence of the educational services provider's capacity to successfully  
43 grow the public charter school while maintaining quality management and  
44 instruction in existing schools.

45 (11) Admission procedures, including provision for overenrollment,  
46 shall provide that the initial admission procedures for a new public charter  
47 school or replication public charter school will be determined by lottery or  
48 other random method, except as otherwise provided herein.

49 (a) If initial capacity is insufficient to enroll all pupils who submit  
50 a timely application, then the admission procedures may provide that

1 preference shall be given in the following order: first, to children  
2 of founders, provided that this admission preference shall be limited  
3 to not more than ten percent (10%) of the capacity of the public charter  
4 school; second, to siblings of pupils already selected by the lottery  
5 or other random method; third, to pupils seeking to transfer from an-  
6 other Idaho public charter school at which they have been enrolled for  
7 at least one (1) year, provided that this admission preference shall be  
8 subject to an existing written agreement for such preference between  
9 the subject charter schools; fourth, to students residing within the  
10 primary attendance area of the public charter school; and fifth, by an  
11 equitable selection process such as a lottery or other random method.  
12 If so stated in its petition, a new public charter school or replication  
13 public charter school may include the children of full-time employees  
14 of the public charter school within the first priority group subject to  
15 the limitations therein. Otherwise, such children shall be included in  
16 the highest priority group for which they would otherwise be eligible.

17 (b) If capacity is insufficient to enroll all pupils who submit a timely  
18 application for subsequent school terms, then the admission procedures  
19 may provide that preference shall be given in the following order:  
20 first, to pupils returning to the public charter school in the second or  
21 any subsequent year of its operation; second, to children of founders,  
22 provided that this admission preference shall be limited to not more  
23 than ten percent (10%) of the capacity of the public charter school;  
24 third, to siblings of pupils already enrolled in the public charter  
25 school; fourth, to pupils seeking to transfer from another Idaho pub-  
26 lic charter school at which they have been enrolled for at least one  
27 (1) year, provided that this admission preference shall be subject to  
28 an existing written agreement for such preference between the subject  
29 charter schools; fifth, to students residing within the primary at-  
30 tendance area of the public charter school; and sixth, by an equitable  
31 selection process such as a lottery or other random method. There shall  
32 be no carryover from year to year of the list maintained to fill vacan-  
33 cies. A new lottery shall be conducted each year to fill vacancies that  
34 become available. If so stated in its petition, a public charter school  
35 may include the following children within the second priority group  
36 subject to the limitations therein:

37 (i) The children of full-time employees of the public charter  
38 school; and

39 (ii) Children who attended the public charter school within the  
40 previous three (3) school years, but who withdrew as a result of  
41 the relocation of a parent or guardian due to an academic sabbati-  
42 cal, employer or military transfer or reassignment.

43 Otherwise, such children shall be included in the highest priority  
44 group for which they would otherwise be eligible.

45 (12) Public charter schools shall comply with section 33-119, Idaho  
46 Code, as it applies to secondary school accreditation.

47 (13) Public charter school students shall be tested with the same stan-  
48 dardized tests as other Idaho public school students.