

IN THE SENATE

SENATE BILL NO. 1391

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5207, IDAHO CODE, AS ADDED BY SECTION 23 OF HOUSE BILL NO. 422, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF FACILITIES FUNDS TO PUBLIC CHARTER SCHOOLS AND SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-5207, Idaho Code, as added by Section 23 of House Bill No. 422, as enacted by the Second Regular Session of the Sixty-seventh Legislature Idaho Legislature, be, and the same is hereby amended to read as follows:

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

(2) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply. No public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than forty (40), except in cases of state declared emergencies that have been approved by the authorizer as having an impact on public education. Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided, however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

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

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

1 (5) Transportation support. Support shall be paid to the public char-
2 ter school as provided in chapter 15, title 33, Idaho Code, and section
3 33-1006, Idaho Code. Each public charter school shall furnish the depart-
4 ment with an enrollment count as of the first Friday in November of public
5 charter school students who are eligible for reimbursement of transporta-
6 tion costs under the provisions of this subsection and who reside more than
7 one and one-half (1 1/2) miles from the school. The state department of edu-
8 cation is authorized to include in the annual appropriation to the charter
9 school sixty percent (60%) of the estimated transportation cost. The final
10 appropriation payment in July shall reflect reimbursements of actual costs
11 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-
12 ment under the provisions of section 33-1006, Idaho Code, the student to be
13 transported must reside within the public charter school's primary atten-
14 dance area and must meet at least one (1) of the following criteria:

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

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

21 (6) Facilities funds.

22 (a) The state department of education shall distribute facilities
23 funds to public charter schools for each enrolled student in which a
24 majority of the student's instruction is received at a facility that
25 is owned or leased by the public charter school. Such funds shall be
26 used to defray the costs associated with payments for real property
27 used by the students or employees of the public charter school for ed-
28 ucational or administrative purposes. Such funds shall be distributed
29 from the moneys appropriated to the educational support program and
30 shall be calculated as fifty percent (50%) of the statewide average
31 amount of bond and plant facility funds levied per student by Idaho
32 school districts or four hundred dollars (\$400) per student based on the
33 public charter school's average daily attendance pursuant to section
34 33-1003A, Idaho Code, whichever is greater.

35 (b) For those public charter schools that do not receive facilities
36 funds for all enrolled students, the school may submit to the state
37 department of education a reimbursement claim for any costs for which
38 facilities funds may be used. The state department of education shall
39 reduce such claim by the greater of fifty percent (50%) or the percent-
40 age of the school's enrolled students for which the school receives
41 facilities funds and shall pay the balance. Provided, however, that the
42 total reimbursements paid to a public charter school, in combination
43 with any facilities stipend received by the school, shall not exceed the
44 amount of facilities funds that would have been received by the school
45 had the school received facilities funds for all enrolled students. For
46 the purposes of this subsection, the term "real property" shall be used
47 as defined in section 63-201, Idaho Code.

48 (c) A public school district that authorizes a virtual public char-
49 ter school and receives funding from the school district facilities
50 fund established pursuant to section 33-911, Idaho Code, shall not be

1 eligible for funds appropriated pursuant to the provisions of this sub-
2 section.

3 (d) A public school district that authorizes a virtual public charter
4 school and receives funding from the school modernization facilities
5 fund established pursuant to section 33-912, Idaho Code, shall not be
6 eligible for funds appropriated pursuant to the provisions of this sub-
7 section.

8 (e) A virtual public charter school authorized by the public charter
9 school commission or authorized by a public school district on or after
10 March 1, 2024, shall not be eligible for funds appropriated pursuant to
11 the provisions of this subsection.

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

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

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

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

42 (8) If an authorizer has reason to believe that a public charter school
43 cannot remain fiscally sound for the remainder of its certificate term, it
44 shall provide the state department of education with written notification of
45 such concern. Upon receiving such notification, the state department of ed-
46 ucation shall have the authority to modify the percentage of the total appro-
47 priation to be paid to the public charter school pursuant to the provisions
48 of section 33-1009 1., Idaho Code, such that equal percentages are paid on
49 each of the prescribed dates.

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

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

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

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

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

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

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

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

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.