

IN THE SENATE

SENATE BILL NO. 1087

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE,
TO PROVIDE AN ADDITIONAL PREFERENCE IN ADMISSION TO PUBLIC CHARTER
SCHOOLS.

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

SECTION 1. That Section 33-5205, Idaho Code, be, and the same is hereby
amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group
of persons may petition to establish a new public charter school, or to con-
vert an existing traditional public school to a public charter school. The
purpose of the charter petition is to present the proposed public charter
school's academic and operational vision and plans, demonstrate the peti-
tioner's capacities to execute the proposed vision and plans and provide the
authorized chartering entity a clear basis for assessing the applicant's
plans and capacities. An approved charter petition shall not serve as the
school's performance certificate.

(a) A petition to establish a new public charter school, including a
public virtual charter school, shall be signed by not fewer than thirty
(30) qualified electors of the attendance area designated in the peti-
tion, unless it is a petition for approval by an authorized chartering
entity permitted pursuant to subsection (1)(c) or (1)(d) of section
33-5202A, Idaho Code. Proof of elector qualifications shall be pro-
vided with the petition. A petition to establish a new public charter
school may be submitted directly to an authorized chartering entity
permitted pursuant to subsection (1)(c) or (1)(d) of section 33-5202A,
Idaho Code; provided however, that no such individual authorized char-
tering entity shall approve more than one (1) new public charter school
each year within the boundaries of a single school district. Except as
provided in this paragraph, authorized chartering entities permitted
pursuant to the provisions of subsection (1)(c) or (1)(d) of section
33-5202A, Idaho Code, shall be governed by the same laws and rules in
approving new public charter schools as the public charter school com-
mission.

(b) A petition to establish a new public virtual school shall not be
submitted directly to a local school district board of trustees. Except
as provided in paragraph (a) of this subsection, a petition to establish
a new public charter school, other than a new public virtual school,
shall first be submitted to the local board of trustees in which the pub-
lic charter school will be located. A petition shall be considered to
be received by an authorized chartering entity as of the next regularly
scheduled meeting of the authorized chartering entity after submission
of the petition.

1 (c) The board of trustees may either: (i) consider the petition and
2 approve the charter; or (ii) consider the petition and deny the charter;
3 or (iii) refer the petition to the public charter school commission, but
4 such referral shall not be made until the local board has documented its
5 due diligence in considering the petition. Such documentation shall be
6 submitted with the petition to the public charter school commission. If
7 the petitioners and the local board of trustees have not reached mutual
8 agreement on the provisions of the charter, after a reasonable and good
9 faith effort, within seventy-five (75) days from the date the charter
10 petition is received, the petitioners may withdraw their petition from
11 the local board of trustees and may submit their charter petition to
12 the public charter school commission. Documentation of the reason-
13 able and good faith effort between the petitioners and the local board
14 of trustees must be submitted with the petition to the public charter
15 school commission.

16 (d) A petition to convert an existing traditional public school shall
17 be submitted to the board of trustees of the district in which the school
18 is located for review and approval. The petition shall be signed by
19 not fewer than sixty percent (60%) of the teachers currently employed
20 by the school district at the school to be converted, and by one (1) or
21 more parents or guardians of not fewer than sixty percent (60%) of the
22 students currently attending the school to be converted. Each petition
23 submitted to convert an existing school or to establish a new charter
24 school shall contain a copy of the articles of incorporation and the
25 bylaws of the nonprofit corporation, which shall be deemed incorporated
26 into the petition.

27 (2) Not later than seventy-five (75) days after receiving a petition,
28 the authorized chartering entity shall hold a public hearing for the purpose
29 of discussing the provisions of the charter, at which time the authorized
30 chartering entity shall consider the merits of the petition and the level of
31 employee and parental support for the petition. In the case of a petition
32 submitted to the public charter school commission, such public hearing must
33 be not later than seventy-five (75) days after receipt of the petition, which
34 may be extended for an additional specified period of time if both parties
35 agree to an extension. Such agreement shall be established in writing and
36 signed by representatives of both parties.

37 In the case of a petition for a public virtual charter school, if the
38 primary attendance area described in the petition of a proposed public vir-
39 tual charter school extends within the boundaries of five (5) or fewer local
40 school districts, the prospective authorizer shall provide notice in writ-
41 ing of the public hearing no less than thirty (30) days prior to such public
42 hearing to those local school districts. Such public hearing shall include
43 any oral or written comments that an authorized representative of the local
44 school districts may provide regarding the merits of the petition and any po-
45 tential impacts on the school districts.

46 In the case of a petition for a non-virtual public charter school sub-
47 mitted to the public charter school commission, the board of the district
48 in which the proposed public charter school will be physically located,
49 shall be notified of the hearing in writing, by the public charter school
50 commission, no less than thirty (30) days prior to the public hearing. Such

1 public hearing shall include any oral or written comments that an authorized
2 representative of the school district in which the proposed public charter
3 school would be physically located may provide regarding the merits of the
4 petition and any potential impacts on the school district. The hearing shall
5 include any oral or written comments that petitioners may provide regard-
6 ing any potential impacts on such school district. If the school district
7 chooses not to provide any oral or written comments as provided for in this
8 subsection, such school district shall notify the public charter school
9 commission of such decision. This public hearing shall be an opportunity
10 for public participation and oral presentation by the public. This hearing
11 is not a contested case hearing as described in chapter 52, title 67, Idaho
12 Code. Following review of any petition and any public hearing provided for
13 in this section, the authorized chartering entity shall within seventy-five
14 (75) days either:

- 15 (a) Approve the charter;
- 16 (b) Deny the charter; or
- 17 (c) Provide a written response identifying the specific deficiencies
18 in the petition.

19 If the authorized chartering entity exercises the option provided for
20 in paragraph (c) of this subsection, then the petitioners may revise the pe-
21 tition and resubmit such within thirty (30) days. Within forty-five (45)
22 days of receiving a revised petition, the authorized chartering entity shall
23 review the revised petition and either approve or deny the petition based
24 upon whether the petitioners have adequately addressed the specific defi-
25 ciencies identified in the authorized chartering entity's written response,
26 or based upon any other changes made to the petition, and upon no other crite-
27 ria.

28 (3) An authorized chartering entity may approve a charter under the
29 provisions of this chapter only if it determines that the petition contains
30 the requisite signatures, the information required by subsections (4) and
31 (5) of this section, and additional statements describing all of the follow-
32 ing:

33 (a) The proposed educational program of the public charter school, de-
34 signed among other things, to identify what it means to be an "educated
35 person" in the twenty-first century, and how learning best occurs. The
36 goals identified in the program shall include how all educational thor-
37 oughness standards as defined in section 33-1612, Idaho Code, shall be
38 fulfilled.

39 (b) The measurable student educational standards identified for use
40 by the public charter school. "Student educational standards" for the
41 purpose of this chapter means the extent to which all students of the
42 public charter school demonstrate they have attained the skills and
43 knowledge specified as goals in the school's educational program.

44 (c) The method by which student progress in meeting those student edu-
45 cational standards is to be measured.

46 (d) A provision by which students of the public charter school will be
47 tested with the same standardized tests as other Idaho public school
48 students.

49 (e) A provision which ensures that the public charter school shall be
50 state accredited as provided by rule of the state board of education.

1 (f) The governance structure of the public charter school including,
2 but not limited to, the person or entity who shall be legally account-
3 able for the operation of the public charter school, and the process to
4 be followed by the public charter school to ensure parental involve-
5 ment.

6 (g) The qualifications to be met by individuals employed by the pub-
7 lic charter school. Instructional staff shall be certified teachers as
8 provided by rule of the state board of education.

9 (h) The procedures that the public charter school will follow to ensure
10 the health and safety of students and staff.

11 (i) A plan for the requirements of section 33-205, Idaho Code, for the
12 denial of school attendance to any student who is an habitual truant, as
13 defined in section 33-206, Idaho Code, or who is incorrigible, or whose
14 conduct, in the judgment of the board of directors of the public charter
15 school, is such as to be continuously disruptive of school discipline,
16 or of the instructional effectiveness of the school, or whose presence
17 in a public charter school is detrimental to the health and safety of
18 other pupils, or who has been expelled from another school district in
19 this state or any other state.

20 (j) The primary attendance area of the charter school, which shall be
21 composed of a compact and contiguous area. For the purposes of this sec-
22 tion, if services are available to students throughout the state, the
23 state of Idaho is considered a compact and contiguous area.

24 (k) Admission procedures, including provision for overenrollment.
25 Such admission procedures shall provide that the initial admission
26 procedures for a new public charter school, including provision for ov-
27 erenrollment, will be determined by lottery or other random method, ex-
28 cept as otherwise provided herein. If initial capacity is insufficient
29 to enroll all pupils who submit a timely application, then the admission
30 procedures may provide that preference shall be given in the following
31 order: first, to children of founders, provided that this admission
32 preference shall be limited to not more than ten percent (10%) of the
33 capacity of the public charter school; second, to siblings of pupils
34 already selected by the lottery or other random method; third, to pupils
35 seeking to transfer from another Idaho public charter school at which
36 they have been enrolled for at least one (1) year, provided that this
37 admission preference shall be subject to an existing written agree-
38 ment for such preference between the subject charter schools; fourth,
39 to students residing within the primary attendance area of the public
40 charter school; and ~~fourth~~ fifth, by an equitable selection process
41 such as a lottery or other random method. If so stated in its petition,
42 a new public charter school may include the children of full-time em-
43 ployees of the public charter school within the first priority group
44 subject to the limitations therein. Otherwise, such children shall be
45 included in the highest priority group for which they would otherwise be
46 eligible. If capacity is insufficient to enroll all pupils who submit
47 a timely application for subsequent school terms, then the admission
48 procedures may provide that preference shall be given in the following
49 order: first, to pupils returning to the public charter school in the
50 second or any subsequent year of its operation; second, to children of

founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; fourth, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fifth, to students residing within the primary attendance area of the public charter school; and ~~fifth~~ sixth, by an equitable selection process such as a lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

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

(ii) Children who previously attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

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

(l) The manner in which annual audits of the financial operations of the public charter school are to be conducted.

(m) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section 33-210, Idaho Code.

(n) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

(o) If the public charter school is a conversion of an existing traditional public school, the public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

(p) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

(q) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

(r) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal individuals with disabilities education act, including disciplinary procedures for these students.

1 (s) A plan for working with parents who have students who are dually en-
2 rolled pursuant to section 33-203, Idaho Code.

3 (t) The process by which the citizens in the primary attendance area
4 shall be made aware of the enrollment opportunities of the public char-
5 ter school.

6 (u) A proposal for transportation services including estimated first
7 year costs.

8 (v) A plan for termination of the charter by the board of directors, to
9 include:

10 (i) Identification of who is responsible for dissolution of the
11 charter school;

12 (ii) A description of how payment to creditors will be handled;

13 (iii) A procedure for transferring all records of students with
14 notice to parents of how to request a transfer of student records
15 to a specific school; and

16 (iv) A plan for the disposal of the public charter school's as-
17 sets.

18 (4) An authorized chartering entity, except for a school district board
19 of trustees, may approve a charter for a public virtual school under the pro-
20 visions of this chapter only if it determines that the petition contains the
21 requirements of subsections (3) and (5) of this section and the additional
22 statements describing the following:

23 (a) The learning management system by which courses will be delivered;

24 (b) The role of the online teacher, including the consistent availabil-
25 ity of the teacher to provide guidance around course material, methods
26 of individualized learning in the online course and the means by which
27 student work will be assessed;

28 (c) A plan for the provision of professional development specific to
29 the public virtual school environment;

30 (d) The means by which public virtual school students will receive
31 appropriate teacher-to-student interaction, including timely and fre-
32 quent feedback about student progress;

33 (e) The means by which the public virtual school will verify student at-
34 tendance and award course credit. Attendance at public virtual schools
35 shall focus primarily on coursework and activities that are correlated
36 to the Idaho state thoroughness standards;

37 (f) A plan for the provision of technical support relevant to the deliv-
38 ery of online courses;

39 (g) The means by which the public virtual school will provide opportu-
40 nity for student-to-student interaction; and

41 (h) A plan for ensuring equal access to all students, including the pro-
42 vision of necessary hardware, software and internet connectivity re-
43 quired for participation in online coursework.

44 (5) The petitioner shall provide information regarding the proposed
45 operation and potential effects of the public charter school including, but
46 not limited to, the facilities to be utilized by the public charter school,
47 the manner in which administrative services of the public charter school
48 are to be provided and the potential civil liability effects upon the public
49 charter school and upon the authorized chartering entity.

1 (6) An initial charter, if approved, shall be granted for a term of
2 three (3) operating years. This term shall commence on the public charter
3 school's first day of operation.