

LEGISLATURE OF THE STATE OF IDAHO
Sixty-eighth Legislature First Regular Session - 2025

IN THE SENATE

SENATE BILL NO. 1176

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1619, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL EDUCATION PROGRAMS IN SCHOOL DISTRICTS; AMENDING SECTION 33-5202A, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 33-5203, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPROVAL OF PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; 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 the information required under section 33-5205(3), Idaho Code, except for information pursuant to section 33-5205(3)(h), Idaho Code; and

(b) Require that all contracts and any subsequent amendments thereto between a school district and an educational services provider be approved by the school district board of trustees prior to execution. A school district that contracts with an educational services provider shall maintain records that verify proof of Idaho residency for all students and contain financial statements demonstrating lawful expenditure of all state and federal funds. All eligible expenses, materials, products, technology devices, and other related services that may be provided or made available by the educational services provider shall be approved by the school district board of trustees and any related

1 payments or reimbursements shall be processed by the school district.
 2 Neither a school district nor an educational services provider shall
 3 furnish payment directly to any parents or legal guardians of an en-
 4 rolled student for items or services not approved by the school district
 5 board of trustees.

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

8 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-
 9 quires otherwise:

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

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

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

14 (b) The public charter school commission;

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. That Section 33-5203, Idaho Code, be, and the same is hereby amended to read as follows:

33-5203. APPROVAL OF PUBLIC CHARTER SCHOOLS. (1) No whole school district may be converted to a charter district or any configuration that includes all schools as public charter schools.

(2) (a) The authorizer must receive an application no later than September 1 for a new public charter school to be eligible to begin instruction the first complete school year following receipt of the application, unless the authorizer agrees to a later date; and

(b) To begin operations, a newly chartered public school must be authorized by no later than January 1 of the previous school year, unless the authorizer agrees to a later date.

(3) Any authorizer may approve a public charter school formed by creating a new public charter school or by replicating an existing public charter school. Converting an existing traditional public school to a public charter school may only be approved only by the board of trustees of the school district in which the existing public school is located.

(4) No charter shall be approved under this chapter:

(a) That provides for the conversion of any existing private or parochial school to a public charter school;

(b) For a for-profit entity; provided, however, nothing in this section shall prevent the board of directors of a public charter school from legally contracting with an educational service provider that provides comprehensive educational administrative and management services or with for-profit entities for the provision of products or services that aid in the operation of the school; or

(c) By the board of trustees of a school district if the public charter school's physical location is outside the boundaries of the authorizing school district.

(5) A virtual school shall not be authorized by any entity except the public charter school commission. Beginning on and after July 1, 2025, any virtual schools that were authorized by an entity other than the commission shall apply to transfer authorization to the commission in accordance with the application process provided for in section 33-5205, Idaho Code.

~~(5)~~ (6) A charter holder may not operate enterprises unrelated to the educational purposes for which the public charter school has been authorized. In cases of related enterprises, including but not limited to daycare and after-school programs, no state education funding authorized pursuant to this chapter may be used to subsidize such related enterprises.

~~(6)~~ (7) (a) Each authorized public charter school is hereby designated as a local education agency (LEA) as such term is defined in 34 CFR 300.28, unless the charter holder and authorizer agree that:

(i) Public charter schools authorized by the board of trustees of a school district may be included in that district's LEA; or

(ii) Entities with multiple charters may operate as a single LEA.

(b) Notice of an agreement pursuant to paragraph (a) of this subsection must be provided to the state department of education by no later than February 1 of the ~~proceeding~~ preceding school year.

1 SECTION 4. That Section 33-5206, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-5206. REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL. (1) A
4 public charter school shall be nonsectarian in its programs, affiliations,
5 admission policies, employment practices, and all other operations, shall
6 not charge tuition, levy taxes, or issue bonds, and shall not discriminate
7 against any student on any basis prohibited by the federal or state consti-
8 tution or any federal, state, or local law. Public charter schools shall
9 comply with the federal individuals with disabilities education act. Ad-
10 mission to a public charter school shall not be determined according to the
11 place of residence of the student or of the student's parent or guardian
12 within the district.

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

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

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

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

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

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

26 (b) Submits to a criminal history check as described in section 33-130,
27 Idaho Code;

28 (c) Completes a course consisting of a minimum of three (3) semester
29 credits in the statewide framework for teacher evaluations, which shall
30 include a laboratory component;

31 (d) Submits a letter of support from a charter holder; and

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

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

35 (ii) A postbaccalaureate degree and a minimum of five (5) years
36 of experience in school administration, public administration,
37 business administration, or military administration;

38 (iii) Successful completion of a nationally recognized charter
39 school leaders fellowship; or

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

45 (5) A charter school administrator certificate is valid for five (5)
46 years and renewable thereafter. Administrators shall be subject to over-
47 sight by the professional standards commission. Certificates may be revoked
48 pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a

1 certificate to any applicant may be refused for such reason as would have
2 constituted grounds for revocation.

3 (6) Certified teachers in a public charter school shall be considered
4 public school teachers. Educational experience shall accrue for service in
5 a public charter school and be counted by any school district for any teacher
6 who has been employed in a public charter school. The staff of the public
7 charter school shall be considered a separate unit for the purposes of col-
8 lective bargaining.

9 (7) Charter school teachers may be certified pursuant to the require-
10 ments set forth in chapter 12, title 33, Idaho Code, pertaining to tradi-
11 tional public school districts or may hold a charter school-specific teach-
12 ing certificate.

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

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

18 (ii) If instructing students in the fields of career technical
19 education, satisfy the provisions of section 33-2205 (6) (a), Idaho
20 Code. Career technical education programs taught by teachers
21 with a charter school-specific teaching certificate shall receive
22 added-cost funding set forth in section 33-2215, Idaho Code, in an
23 amount equal to programs taught by teachers with an occupational
24 specialist teaching certificate.

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

28 (c) The state board of education shall issue charter school-specific
29 teaching certificates to teachers upon recommendation of the individ-
30 ual charter school, unless denied on the grounds set forth in section
31 33-1208, Idaho Code.

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

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

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

44 (b) No more than one-third (1/3) of the public charter school's board
45 membership may be comprised of nonprofit educational services provider
46 representatives. Nonprofit educational services provider repre-
47 sentatives may not be employees of the public charter school or the
48 educational services provider and may not hold office as president or
49 treasurer on the public charter school's board. For-profit educational

1 services providers may not have representatives on the public charter
2 school's board of directors;

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

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

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

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

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

25 (h) Charter holders must ensure that their facility contracts are sepa-
26 rate from management contracts; and

27 (i) All contracts and any subsequent amendments thereto between a vir-
28 tual school and an educational services provider shall be approved by
29 the virtual school's authorizer prior to execution. A virtual school
30 that contracts with an educational services provider shall, annually,
31 provide its authorizer with proof of Idaho residency for all students
32 and audited financial statements demonstrating lawful expenditure of
33 all state and federal funds. Neither a virtual school nor an educa-
34 tional services provider under contract with a virtual school shall
35 furnish payment directly to parents or legal guardians of an enrolled
36 student, except in exchange for goods or property sold or leased by the
37 parent or legal guardian to the school or educational services provider
38 or for a service performed by the parent or legal guardian as an employee
39 or contractor of the school or educational services provider. A virtual
40 school shall be deemed financially sufficient if there is an agreement
41 that requires an educational services provider to assume the virtual
42 school's financial risk when it does not have sufficient residual funds
43 to pay the educational services provider. Where this paragraph is ap-
44 plicable, the educational services provider shall make its audited fi-
45 nanical statements available, unless the educational services provider
46 already makes such audited financial statements publicly available for
47 compliance with other federal or state laws. Upon recommendation by
48 the authorizer, the state department of education may deduct amounts
49 related to noncompliance with the provisions of this subsection from
50 subsequent years' public education support program appropriations.

1 (9) Admission procedures, including provision for over-enrollment,
2 shall provide that the initial admission procedures for a public charter
3 school will be determined by lottery or other random method, except as oth-
4 erwise provided in this section. A charter holder shall strive to ensure
5 that citizens in the primary attendance area are made aware of the enrollment
6 opportunities and deadline. The public notice must include the enrollment
7 deadline, the public charter school's total enrollment capacity for the next
8 school year, and an advisory that all prospective students will be given
9 the opportunity to enroll in the public charter school regardless of race,
10 color, national origin, ethnicity, religion, gender, socioeconomic status,
11 or special needs.

12 (a) If initial capacity is insufficient to enroll all pupils who submit
13 a timely application, then the admission procedures may provide that
14 preference shall be given in the following order: first, to children
15 of founders, provided that this admission preference shall be limited
16 to not more than ten percent (10%) of the capacity of the public charter
17 school; second, to siblings of pupils already selected by the lottery
18 or other random method; third, to pupils seeking to transfer from an-
19 other Idaho public charter school or authorizer at which they have been
20 enrolled for at least one (1) year, provided that this admission prefer-
21 ence shall be subject to an existing written agreement for such prefer-
22 ence between the subject charter schools or authorizer; fourth, to stu-
23 dents residing within the primary attendance area of the public charter
24 school; and fifth, by an equitable selection process such as a lottery
25 or other random method. A public charter school may weight the school's
26 lottery to preference admission for the following educationally dis-
27 advantaged students: students living at or below one hundred eighty-
28 five percent (185%) of the federal poverty level, students who are home-
29 less or in foster care, children with disabilities as defined in sec-
30 tion 33-2001, Idaho Code, students with limited English proficiency,
31 and students who are at-risk as defined in section 33-1001, Idaho Code.
32 A public charter school may include the children of full-time employees
33 of the public charter school within the first priority group, subject to
34 the limitations therein.

35 (b) If capacity is insufficient to enroll all pupils who submit a timely
36 application for subsequent school terms, then the admission procedures
37 may provide that preference shall be given in the following order:
38 first, to pupils returning to the public charter school in the second
39 or any subsequent year of its operation; and then as provided in para-
40 graph (a) of this subsection. The sibling preference in subsequent
41 school years applies to siblings of a returning pupil and of a pupil
42 selected by the lottery or other random method. A new lottery shall be
43 conducted each year to fill vacancies that become available. A public
44 charter school may weight the school's lottery to preference admission
45 as provided in this paragraph and paragraph (a) of this subsection and
46 for children who attended the public charter school within the previous
47 three (3) school years but withdrew as a result of the relocation of a
48 parent or guardian due to an academic sabbatical or an employer or mili-
49 tary transfer or reassignment.

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

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

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

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

SECTION 5. That Section 33-5207, Idaho Code, 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,

1 pursuant to section 33-1002, Idaho Code, that are no lower than the divisors
 2 of the school district in which the traditional public school is located, for
 3 each category of pupils listed.

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

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

14 (5) Transportation support. Support shall be paid to the public char-
 15 ter school as provided in chapter 15, title 33, Idaho Code, and section
 16 33-1006, Idaho Code. Each public charter school shall furnish the depart-
 17 ment with an enrollment count as of the first Friday in November of public
 18 charter school students who are eligible for reimbursement of transporta-
 19 tion costs under the provisions of this subsection and who reside more than
 20 one and one-half (1 1/2) miles from the school. The state department of edu-
 21 cation is authorized to include in the annual appropriation to the charter
 22 school sixty percent (60%) of the estimated transportation cost. The final
 23 appropriation payment in July shall reflect reimbursements of actual costs
 24 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-
 25 ment under the provisions of section 33-1006, Idaho Code, the student to be
 26 transported must reside within the public charter school's primary atten-
 27 dance area and must meet at least one (1) of the following criteria:

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

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

34 (6) Facilities funds.

35 (a) The state department of education shall distribute facilities
 36 funds to public charter schools for each student in which a majority
 37 of the student's instruction is received at a physical facility that
 38 is owned or leased by the public charter school. Such funds shall be
 39 used to defray the costs associated with payments for real property used
 40 by the students or employees of the public charter school for educa-
 41 tional or administrative purposes. Such funds shall be distributed at
 42 four hundred dollars (\$400) per attending student pursuant to section
 43 33-1003A, Idaho Code. In fiscal year 2027 and each fiscal year there-
 44 after, the four hundred dollars (\$400) per attending student shall be
 45 adjusted by a percentage equal to the percent change in discretionary
 46 funding per support unit included in the public education support
 47 program for that fiscal year; provided, however, that the attending
 48 student amount shall not be decreased to less than four hundred dol-
 49 lars (\$400) per attending student. For the purposes of this paragraph,
 50 beginning in state fiscal year 2025, "attending student" means each

1 student in average daily attendance in kindergarten through grade 12 at
2 such physical charter school facilities where the student is enrolled;
3 except that, upon formal approval by the state board of education, a
4 charter school may receive an exemption to the physical facility re-
5 quirement pursuant to the provisions of this paragraph if the student
6 would have attended a physical facility if not for a stated emergency.

7 (b) For those public charter schools that do not receive facilities
8 funds for all enrolled students, the school may submit to the state
9 department of education a reimbursement claim for any costs for which
10 facilities funds may be used. The state department of education shall
11 reduce such claim by the greater of fifty percent (50%) or the percent-
12 age of the school's enrolled students for which the school receives
13 facilities funds and shall pay the balance. Provided, however, that the
14 total reimbursements paid to a public charter school, in combination
15 with any facilities stipend received by the school, shall not exceed the
16 amount of facilities funds that would have been received by the school
17 had the school received facilities funds for all students in average
18 daily attendance pursuant to section 33-1003A, Idaho Code. For the
19 purposes of this subsection, the term "real property" shall be used as
20 defined in section 63-201, Idaho Code. A virtual ~~public charter~~ school
21 authorized by the public charter school commission ~~or authorized by a~~
22 ~~public school district~~ on or after March 1, 2024, shall not be eligible
23 for funds appropriated pursuant to the provisions of this subsection.

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

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

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

42 (c) All subsequent payments, taking into account the onetime advance
43 payment made for the first year of operation, shall be made to the public
44 charter school in the same manner as other traditional public schools in
45 accordance with the provisions of section 33-1009, Idaho Code. A public
46 charter school shall comply with all applicable fiscal requirements of
47 law, except that the following provisions shall not be applicable to
48 public charter schools: that portion of section 33-1004, Idaho Code,
49 relating to reduction of the administrative and instructional staff
50 allowance and the pupil service staff allowance when there is a dis-

1 crepancy between the number allowed and the number actually employed;
2 and section 33-1004E, Idaho Code, for calculation of district staff
3 indices.

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

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

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

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

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

24 (11) Each student in attendance at a public virtual school shall be
25 funded based on either the actual hours of attendance in the public virtual
26 school on a flexible schedule or the percentage of coursework completed,
27 whichever is more advantageous to the school, up to the maximum of one (1)
28 full-time equivalent student. The staff allowance for virtual schools
29 provided for in section 33-1004(2) and (3), Idaho Code, shall not exceed
30 the lesser of the number calculated pursuant to section 33-1004(2) and
31 (3), Idaho Code, or of one hundred twenty-five percent (125%) of the actual
32 full-time equivalent staff employed in such staffing categories.

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

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

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

45 SECTION 6. An emergency existing therefor, which emergency is hereby
46 declared to exist, this act shall be in full force and effect on and after
47 July 1, 2025.