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 LEGISLATURE OF THE STATE OF IDAHO
 Sixty-seventh Legislature Second Regular Session - 2024

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AN ACT

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RELATING TO PUBLIC CHARTER SCHOOLS; REPEALING SECTION 33-5201, IDAHO CODE, RELATING TO A SHORT TITLE; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5201, IDAHO CODE, TO PROVIDE A SHORT TITLE; REPEALING SECTION 33-5202, IDAHO CODE, RELATING TO LEGISLATIVE INTENT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5202, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; REPEALING SECTION 33-5202A, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5202A, IDAHO CODE, TO DEFINE TERMS; REPEALING SECTION 33-5203, IDAHO CODE, RELATING TO AUTHORIZATION OF CHARTER SCHOOLS AND LIMITATIONS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5203, IDAHO CODE, TO PROVIDE FOR THE APPROVAL OF CHARTER SCHOOLS; REPEALING SECTION 33-5204, IDAHO CODE, RELATING TO NONPROFIT CORPORATION LIABILITY AND INSURANCE; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5204, IDAHO CODE, TO PROVIDE FOR NONPROFIT CORPORATION LIABILITY AND INSURANCE; REPEALING SECTION 33-5204A, IDAHO CODE, RELATING TO THE APPLICABILITY OF PROFESSIONAL CODES AND STANDARDS; REPEALING SECTION 33-5205, IDAHO CODE, RELATING TO PETITIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS; REPEALING SECTION 33-5205A, IDAHO CODE, RELATING TO TRANSFER OF CHARTER; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205A, IDAHO CODE, TO PROVIDE FOR TRANSFER OF CHARTER; REPEALING SECTION 33-5205B, IDAHO CODE, RELATING TO PERFORMANCE CERTIFICATES; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205B, IDAHO CODE, TO PROVIDE FOR PERFORMANCE-BASED ACCOUNTABILITY; REPEALING SECTION 33-5205C, IDAHO CODE, RELATING TO PUBLIC CHARTER SCHOOL REPLICATION; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205C, IDAHO CODE, TO PROVIDE FOR PUBLIC CHARTER SCHOOL REPLICATION; REPEALING SECTION 33-5206, IDAHO CODE, RELATING TO REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER SCHOOL; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5206, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL; REPEALING SECTION 33-5207, IDAHO CODE, RELATING TO CHARTER APPEAL PROCEDURE; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5207, IDAHO CODE, TO PROVIDE FOR AN APPLICATION APPEAL PROCEDURE; REPEALING SECTION 33-5208, IDAHO CODE, RELATING TO PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5208, IDAHO CODE, TO PROVIDE FOR PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; REPEALING SECTION 33-5209B, IDAHO CODE, RELATING TO CHARTER RENEWALS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5209B, IDAHO CODE, TO PROVIDE FOR

DRAFT

DRMDD132

1 CHARTER RENEWALS; REPEALING SECTION 33-5209C, IDAHO CODE, RELATING TO
2 ENFORCEMENT, REVOCATION, AND APPEALS; AMENDING CHAPTER 52, TITLE 33,
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5209C, IDAHO CODE, TO
4 PROVIDE FOR REVOCATION OF A CHARTER; REPEALING SECTION 33-5210, IDAHO
5 CODE, RELATING TO APPLICATION OF SCHOOL LAW, ACCOUNTABILITY, AND EX-
6 EMPTION FROM STATE RULES; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY
7 THE ADDITION OF A NEW SECTION 33-5210, IDAHO CODE, TO PROVIDE FOR THE
8 APPLICATION OF SCHOOL LAW AND EXEMPTION FROM STATE RULES; REPEALING
9 SECTION 33-5211, IDAHO CODE, RELATING TO TECHNICAL SUPPORT AND INFOR-
10 MATION; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A
11 NEW SECTION 33-5211, IDAHO CODE, TO PROVIDE FOR TECHNICAL SUPPORT AND
12 INFORMATION; REPEALING SECTION 33-5212, IDAHO CODE, RELATING TO SCHOOL
13 CLOSURE AND DISSOLUTION; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY
14 THE ADDITION OF A NEW SECTION 33-5212, IDAHO CODE, TO PROVIDE FOR SCHOOL
15 CLOSURE AND DISSOLUTION; REPEALING SECTION 33-5213, IDAHO CODE, RELAT-
16 ING TO THE PUBLIC CHARTER SCHOOL COMMISSION; AMENDING CHAPTER 52, TITLE
17 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5213, IDAHO CODE,
18 TO PROVIDE FOR THE PUBLIC CHARTER SCHOOL COMMISSION; REPEALING SECTION
19 33-5214, IDAHO CODE, RELATING TO THE PUBLIC CHARTER SCHOOL AUTHORIZ-
20 ERS FUND; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION
21 OF A NEW SECTION 33-5214, IDAHO CODE, TO PROVIDE FOR THE PUBLIC CHARTER
22 SCHOOL AUTHORIZERS FUND; REPEALING SECTION 33-5215, IDAHO CODE, RE-
23 LATING TO CAREER TECHNICAL REGIONAL CHARTER SCHOOLS; AMENDING SECTION
24 33, CHAPTER 220, LAWS OF 2023, TO PROVIDE FOR THE PUBLIC CHARTER SCHOOL
25 COMMISSION; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY.

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

27 SECTION 1. That Section 33-5201, Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 2. That Chapter 52, Title 33, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 33-5201, Idaho Code, and to read as follows:

32 33-5201. SHORT TITLE. This chapter is known as the "Accelerating Pub-
33 lic Charter Schools Act."

34 SECTION 3. That Section 33-5202, Idaho Code, be, and the same is hereby
35 repealed.

36 SECTION 4. That Chapter 52, Title 33, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 33-5202, Idaho Code, and to read as follows:

39 33-5202. LEGISLATIVE INTENT. It is the intent of the legislature to
40 provide opportunities for students, parents, teachers, and community mem-
41 bers to attend, establish and maintain public charter schools that operate
42 independently from the existing traditional school district structure but
43 within the existing public school system. Public charter schools are hereby
44 authorized as part of the state's program of public education and they shall

DRAFT

DRMDD132

1 have equal access and authority to participate in all state and federal pro-
2 grams to the same extent as a traditional public school, irrespective of the
3 instructional delivery method. The legislature aims to:

- 4 (1) Improve student learning;
- 5 (2) Increase learning opportunities for all students, with special em-
6 phasis on expanded learning experiences for students;
- 7 (3) Include the use of different and innovative teaching methods;
- 8 (4) Utilize virtual and hybrid learning;
- 9 (5) Create new professional opportunities for teachers, including the
10 opportunity to be responsible for the learning program at the school site;
- 11 (6) Provide parents and students with expanded choices in the types of
12 educational opportunities that are available within the public school sys-
13 tem;
- 14 (7) Hold public charter schools accountable for meeting measurable
15 student educational standards;
- 16 (8) Reward public charter schools that meet their accountability mea-
17 sures with enhanced autonomy and freedom from regulatory burden; and
- 18 (9) Foster and support charter schools through best practices, devel-
19 opment, educational and operational assistance.

20 SECTION 5. That Section 33-5202A, Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 6. That Chapter 52, Title 33, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 33-5202A, Idaho Code, and to read as follows:

25 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-
26 quires otherwise:

- 27 (1) "Application" means the document submitted to the authorizer to re-
28 quest the creation of a public charter school.
- 29 (2) "Authorizer" means any of the following:
 - 30 (a) A local board of trustees of a school district;
 - 31 (b) The public charter school commission;
 - 32 (c) An Idaho public college, university, or community college;
 - 33 (d) A private, nonprofit, Idaho-based, nonsectarian college or univer-
34 sity that is accredited by the same organization that accredits Idaho
35 public colleges and universities.
- 36 (3) "Charter" means the grant of authority approved by the authorizer
37 to the charter holder.
- 38 (4) "Charter holder" means the public charter school's board of direc-
39 tors to which a charter is granted.
- 40 (5) "Educational services provider" means a nonprofit or for-profit
41 entity that contracts with a public charter school for a fee to provide
42 educational services and resources including administrative support and
43 educational design, implementation, or management.
- 44 (6) "Founder" means a person who makes a material contribution toward
45 the establishment of a public charter school and who is designated as such by
46 the charter holder.

DRAFT

DRMDD132

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

5 (8) "Public charter school" means a school that is authorized under
6 this chapter to deliver public education in Idaho.

7 (9) "Traditional public school" means any school that is operated and
8 controlled by a school district in this state.

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

16 SECTION 7. That Section 33-5203, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 8. That Chapter 52, Title 33, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 33-5203, Idaho Code, and to read as follows:

21 33-5203. APPROVAL OF PUBLIC CHARTER SCHOOLS. (1) New public charter
22 schools are subject to the following:

23 (a) No whole school district may be converted to a charter district or
24 any configuration that includes all schools as public charter schools;

25 (b) An application must be received by the authorizer no later than
26 September 1 to be eligible to begin instruction the first complete
27 school year following receipt of the application, unless the authorizer
28 agrees to a later date; and

29 (c) To begin operations, a newly chartered public school must be autho-
30 rized by no later than January 1 of the previous school year, unless the
31 authorizer agrees to a later date.

32 (2) Any authorizer may approve a public charter school formed by creat-
33 ing a new public charter school or by replicating an existing public charter
34 school. Converting an existing traditional public school to a public char-
35 ter school may only be approved by the board of trustees of the school dis-
36 trict in which the existing public school is located.

37 (3) No charter shall be approved under this chapter:

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

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

DRAFT

DRMDD132

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

4 (4) A charter holder may not operate enterprises unrelated to the edu-
5 cational purposes for which the public charter school has been authorized.
6 In cases of related enterprises, no state education funding authorized under
7 this chapter may be used to subsidize the other enterprise.

8 (5) Each authorized public charter school is hereby designated as a lo-
9 cal education agency (LEA) as such term is defined in 34 CFR 300.28, unless
10 the charter holder and authorizer agree to one of the following alternatives
11 and notice of such is provided to the state department of education no later
12 than February 1 of the preceding school year:

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

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

16 SECTION 9. That Section 33-5204, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 10. That Chapter 52, Title 33, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 33-5204, Idaho Code, and to read as follows:

21 33-5204. NONPROFIT CORPORATION - LIABILITY - INSURANCE. (1) A public
22 charter school shall be organized and managed under the Idaho nonprofit cor-
23 poration act. The board of directors of a public charter school shall be
24 deemed public agents authorized to operate and control the public charter
25 school.

26 (2) For the purposes of section 59-1302(15), Idaho Code, a public char-
27 ter school created pursuant to this chapter is deemed a governmental entity.
28 Pursuant to the provisions of section 63-36220, Idaho Code, sales to or pur-
29 chases by a public charter school are exempt from payment of the sales and
30 use tax. Pursuant to section 63-602A(1), Idaho Code, property belonging to
31 a public charter school is exempt from taxation. Every employee and board
32 of director of the charter holder are subject to the provisions of and shall
33 comply with:

34 (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and cor-
35 rupt influence, except as provided by section 33-5204A(2), Idaho Code;

36 (b) Chapter 5, title 74, Idaho Code, on prohibitions against contracts
37 with officers;

38 (c) Chapter 4, title 74, Idaho Code, on ethics in government;

39 (d) Chapter 2, title 74, Idaho Code, on open public meetings;

40 (e) Chapter 1, title 74, Idaho Code, on disclosure of public records;

41 and

42 (f) Professional codes and standards approved by the state board of ed-
43 ucation, including standards for ethics or conduct. In the event any
44 code or standard approved pursuant to this paragraph conflicts with any
45 other section of Idaho Code, then Idaho Code shall govern.

46 (3) A public charter school may sue or be sued, purchase, receive, hold
47 and convey real and personal property for school purposes, and borrow money

DRAFT

DRMDD132

1 for such purposes, to the same extent and on the same conditions as a tra-
2 ditional public school district, and its employees, directors and officers
3 shall enjoy the same immunities as employees, directors and officers of tra-
4 ditional public school districts and other public schools, including those
5 provided by chapter 9, title 6, Idaho Code. The authorizer that approves
6 a public school charter has no liability for the acts, omissions, debts or
7 other obligations of a public charter school, except as may be provided in
8 the charter. A local public school district has no liability for the acts,
9 omissions, debts or other obligations of a public charter school located in
10 its district that has been approved by an authorizer other than the board of
11 trustees of the local school district.

12 (4) Nothing in this chapter prevents the charter holder from borrowing
13 money to finance the purchase or lease of school building facilities, equip-
14 ment and furnishings. Subject to the terms of a contractual agreement be-
15 tween the board and a lender, nothing herein shall prevent the charter holder
16 from using the facility, its equipment and furnishings as collateral for the
17 loan.

18 (5) Public charter schools shall secure insurance for liability and
19 property loss.

20 (6) The receiving, soliciting or acceptance of moneys of a public char-
21 ter school for deposit in any bank or trust company, or the lending of mon-
22 eys by any bank or trust company to any public charter school, shall not be
23 deemed to be a contract or other transaction pertaining to the maintenance
24 or conduct of a public charter school and authorizer within the meaning of
25 this section; nor shall the payment by any public charter school board of di-
26 rectors of compensation to any bank or trust company for services rendered
27 in the transaction of any banking business with such public charter school
28 board of directors be deemed the payment of any reward or compensation to any
29 officer or director of any such bank or trust company within the meaning of
30 this section.

31 (7) Each charter holder shall adopt a policy regarding the hiring of
32 family members to avoid any nepotism in hiring and supervision. The policy
33 shall include, among other things, a disclosure to the board of any potential
34 nepotism in hiring and supervision. Any party with such a conflict shall not
35 be involved in the hiring decision or supervision of a potential employee.

36 SECTION 11. That Section 33-5204A, Idaho Code, be, and the same is
37 hereby repealed.

38 SECTION 12. That Section 33-5205, Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 13. That Chapter 52, Title 33, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 33-5205, Idaho Code, and to read as follows:

43 33-5205. APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL. (1) Appli-
44 cation. A public charter school application may only be submitted to one au-
45 thorizer at a time. An applicant may submit an application that has been de-

DRAFT

DRMDD132

1 nished by one authorizer to another after a final decision has been reached or
2 the application is withdrawn by the applicant.

3 (2) Application process.

4 (a) The authorizer shall develop a transparent application process to
5 establish a new public charter school. The application shall require
6 applicants to provide descriptions of the following key features of the
7 prospective public charter school:

8 (i) Educational program, including educational philosophy,
9 student academic proficiency and growth standards, measurement
10 methods, any mission-specific standards that may be unique to the
11 school, and strategies for meeting the needs of specific student
12 populations including English language learners, at-risk stu-
13 dents, special education or gifted and talented;

14 (ii) Financial and facilities plan with a pre-opening budget,
15 three-year operating budget, break-even analysis and cash flow
16 projection, evidence of existing and anticipated funds, and pro-
17 jected facility costs;

18 (iii) Board capacity and governance structure, including copies
19 of the articles of incorporation and corporate bylaws;

20 (iv) Student demand and primary attendance area, including a de-
21 scription of the population of students the proposed school in-
22 tends to serve and the target enrollment by grade level; and

23 (v) Use of educational service providers, including the con-
24 tracts, fees and terms, and recent contracts that the entity has
25 executed with other charter schools.

26 (b) Upon review of the completed application, representatives of the
27 authorizer may request from applicants limited additional information
28 necessary to clarify the contents.

29 (3) Virtual Schools.

30 (a) An application for a virtual school must also contain statements
31 describing the following:

32 (i) The learning management system by which courses will be de-
33 livered;

34 (ii) The role of the online teacher, including the consistent
35 availability of the teacher to provide guidance around course ma-
36 terial, methods of individualized learning in the online course
37 and the means by which student work will be assessed;

38 (iii) A plan for the provision of professional development spe-
39 cific to the public virtual school environment;

40 (iv) The means by which public virtual school students will re-
41 ceive appropriate teacher-to-student interaction, including
42 timely and frequent feedback about student progress;

43 (v) The means by which the public virtual school will ver-
44 ify student attendance and award course credit. Attendance at
45 public virtual schools shall focus primarily on coursework and
46 activities that are correlated to the Idaho state thoroughness
47 standards;

48 (vi) A plan for the provision of technical support relevant to the
49 delivery of online courses;

DRAFT

DRMDD132

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1 (vii) The means by which the public virtual school will provide op-
2 portunity for student-to-student interaction;

3 (viii) To the extent there is a financial agreement that will re-
4 quire an education service provider to assume a virtual school's
5 financial risk when the virtual school does not have sufficient
6 residual funds to pay the education service provider, such finan-
7 cial agreement will be favorably considered during the applica-
8 tion process. Where this paragraph is applicable, the education
9 service provider shall make its audited financial statements
10 available unless the education service provider already makes
11 such audited financial statements publicly available for compli-
12 ance with other federal or state laws; and

13 (ix) A plan for ensuring equal access for all students, including
14 the provision of necessary hardware, software and internet con-
15 nectivity required for participation in online coursework, and
16 utilization of remote testing, proctoring, and administration
17 procedures for state required assessments.

18 (4) Hearing. The authorizer shall afford applicants a hearing prior to
19 making a decision, with an opportunity in a public forum for local residents
20 to learn about and provide input on each application. The authorizer shall
21 provide each applicant with its detailed analysis of the application, and
22 grant the applicant at least fourteen (14) days to provide additional mate-
23 rials to address any identified deficiencies.

24 (5) Application Decision.

25 (a) No later than ninety (90) days after an application is submitted,
26 the authorizer shall decide to approve or deny the charter application,
27 unless the applicant agrees to a later date. The authorizer shall adopt
28 by resolution all charter approval or denial decisions in an open meet-
29 ing of the authorizer's governing board and in the case of a denial, in-
30 clude all reasons for denial in the resolution adopted by the governing
31 board.

32 (b) An application may be approved by the authorizer without condition
33 or with limited pre-opening conditions the authorizer finds necessary
34 in the applicant's unique case to ensure the school can meet its aca-
35 demic and financial requirements.

36 (c) If an application is denied, then the authorizer must prepare a
37 written notice of its decision within fourteen (14) days, including all
38 of the reasons for the denial and a statement that explains the crite-
39 ria and standards considered relevant by the authorizer in its denial,
40 the relevant contested facts relied upon, and the rationale for the
41 decision based on the applicable statutory provisions and factual in-
42 formation presented to the authorizer.

43 (6) Term.

44 (a) An approved initial charter shall be granted for a term of six (6)
45 operating years. The charter shall include the beginning and ending
46 dates of the charter term. An approved school may delay its opening for
47 one school year to plan and prepare for the school's opening. A delay
48 greater than one school year requires an extension from the school's
49 authorizer.

DRAFT

DRMDD132

1 (b) In order to incubate innovative charter schools, an authorizer may
2 instead grant a pilot charter with an initial term of three (3) operat-
3 ing years to test an innovative or novel model. This pilot charter shall
4 be used in limited instances and the authorizer must provide sufficient
5 documentation to justify the shorter term.

6 SECTION 14. That Section 33-5205A, Idaho Code, be, and the same is
7 hereby repealed.

8 SECTION 15. That Chapter 52, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-5205A, Idaho Code, and to read as follows:

11 33-5205A. TRANSFER OF CHARTER. (1) A charter may be transferred to,
12 and placed under the chartering authority of, any authorizer if the receiv-
13 ing authorizer and the charter holder agree to such transfer. The receiving
14 authorizer and charter holder may agree to revisions to the charter and per-
15 formance certificate as required by such transfer.

16 (2) Upon request for a transfer, the current authorizer has seventy-
17 five (75) days to approve the transfer request or to provide written justifi-
18 cation for not approving such request.

19 (3) If the current authorizer does not approve the request, then the
20 matter may be appealed to the office of administrative hearings, and sub-
21 ject to judicial review as a contested case set forth in chapter 52, title 67,
22 Idaho Code.

23 SECTION 16. That Section 33-5205B, Idaho Code, be, and the same is
24 hereby repealed.

25 SECTION 17. That Chapter 52, Title 33, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 33-5205B, Idaho Code, and to read as follows:

28 33-5205B. PERFORMANCE-BASED ACCOUNTABILITY. (1) Within seventy-five
29 (75) days of approval of a charter application, the authorizer and the
30 charter holder shall negotiate and execute a performance certificate that
31 clearly sets forth the agreed-upon academic and operational performance
32 expectations and measures, consistent with those outlined by the public
33 charter school in its application. The performance expectations and mea-
34 sures set forth in the performance certificate shall include:

35 (a) Student academic proficiency;

36 (b) Student academic growth;

37 (c) College and career readiness (for high schools);

38 (d) The actual and potential at-risk makeup of the student body popula-
39 tion defined by the criteria set forth in section 33-1001(3)(a) and (b),
40 Idaho Code, for all grade levels and economically disadvantaged stu-
41 dents; and

42 (e) Board performance and stewardship, including compliance with all
43 applicable laws, regulations and terms of the performance certificate.

44 (2) The performance certificate shall be signed by the designated rep-
45 resentatives of the authorizer's governing board and the charter holder.

DRAFT

DRMDD132

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1 (3) No public charter school may commence operations without an exe-
2 cuted performance certificate.

3 (4) An authorizer shall continually monitor the performance and legal
4 compliance of the public charter schools it oversees, including collecting
5 and analyzing data and may conduct pre-arranged site visits, if needed, to
6 support ongoing evaluation according to the performance certificate. Ev-
7 ery authorizer shall have the authority to conduct oversight activities that
8 enable the authorizer to fulfill its responsibilities, including conduct-
9 ing appropriate inquiries and investigations, as long as those activities
10 are consistent with the intent of this chapter and do not unduly inhibit the
11 autonomy granted to public charter schools. If an authorizer has reason to
12 believe that a charter holder or public charter school has violated any pro-
13 vision of law, it shall notify the charter holder and the entity responsible
14 for administering said law of the possible violation.

15 (5) A charter holder or the authorizer may enter into negotiations to
16 revise a charter or performance certificate at any time. If a charter holder
17 applies to revise its charter or performance certificate, the authorizer's
18 review of the application shall be limited in scope solely to the proposed
19 revisions.

20 (6) Required Notifications. The charter holder shall be responsible
21 for promptly notifying the authorizer of the following with appropriate doc-
22 umentation:

23 (a) If it becomes aware that the school is not operating in substan-
24 tial compliance with the terms and conditions of its performance cer-
25 tificate.

26 (b) If any revisions or amendments are made to the articles of incorpo-
27 ration or bylaws.

28 (c) If the school's accrediting body finds that the school has failed to
29 meet or maintain full accreditation requirements.

30 (d) If any complaints are filed against the school including, but not
31 limited to, lawsuits and complaints filed with the Idaho professional
32 standards commission relating to school employees.

33 (e) If there are changes to any school board members or their contact
34 information.

35 (f) If there are any early warning signs of distress as outlined in the
36 performance certificate, including any excessive reductions in enroll-
37 ment of all students or at-risk students, excessive staff turnover, or
38 excessive governance board turnover of the charter holder in any school
39 year or between school years.

40 SECTION 18. That Section 33-5205C, Idaho Code, be, and the same is
41 hereby repealed.

42 SECTION 19. That Chapter 52, Title 33, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 33-5205C, Idaho Code, and to read as follows:

45 33-5205C. PUBLIC CHARTER SCHOOL REPLICATION. (1) Public charter
46 schools that have successfully completed at least one (1) renewal without
47 condition may apply for fast-tracked replication.

DRAFT

DRMDD132

11

1 (2) Replication public charter schools must have the same operational
2 model and serve the same, or a subset of the same, grades as the public char-
3 ter school being replicated.

4 (3) An abridged application for replication shall narrowly focus on:

5 (a) A description of the capacity of the charter holder to successfully
6 replicate an additional school;

7 (b) A description of how the charter holder will manage multiple
8 charter schools while maintaining a high level of academic and fiscal
9 performance in the original public charter school and the replication
10 school; and

11 (c) Location-specific information for the new replicated charter
12 school.

13 (4) Replication applications shall be considered by an authorizer
14 within forty-five (45) days of submission unless the replication applicant
15 agrees to a later date.

16 SECTION 20. That Section 33-5206, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 21. That Chapter 52, Title 33, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 33-5206, Idaho Code, and to read as follows:

21 33-5206. REQUIREMENTS FOR OPERATING A PUBLIC CHARTER SCHOOL. (1) A
22 public charter school shall be nonsectarian in its programs, affiliations,
23 admission policies, employment practices, and all other operations, shall
24 not charge tuition, levy taxes or issue bonds and shall not discriminate
25 against any student on any basis prohibited by the federal or state constitu-
26 tion or any federal, state or local law. Public charter schools shall comply
27 with the federal individuals with disabilities education act. Admission to
28 a public charter school shall not be determined according to the place of
29 residence of the student, or of the student's parent or guardian within the
30 district.

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

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

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

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

38 (4) Administrators may be certified pursuant to the requirements set
39 forth in chapter 12, title 33, Idaho Code, pertaining to traditional public
40 schools, or may hold a charter school administrator certificate pursuant to
41 the following requirements:

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

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

DRAFT

DRMDD132

12

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;

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

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

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

8 (ii) A post-baccalaureate degree and a minimum of five (5) years
9 of experience in school administration, public administration,
10 business administration, or military administration;

11 (iii) Successful completion of a nationally recognized charter
12 school leaders fellowship; or

13 (iv) Four (4) or more years of teaching experience and a commit-
14 ment from an administrator at a charter school in academic, opera-
15 tional, and financial good standing according to its authorizer's
16 most recent review to mentor the applicant for a minimum of one (1)
17 year.

18 (5) A charter school administrator certificate is valid for five (5)
19 years and renewable thereafter. Administrators shall be subject to over-
20 sight by the professional standards commission. Certificates may be revoked
21 pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a
22 certificate to any applicant may be refused for such reason as would have
23 constituted grounds for revocation.

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

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

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

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

39 (ii) If instructing students in the fields of career technical
40 education, satisfy the provisions of section 33-2205(6) (a), Idaho
41 Code. Career technical education programs taught by teachers
42 with a charter school-specific teaching certificate shall receive
43 added-cost funding set forth in section 33-2215, Idaho Code, in an
44 amount equal to programs taught by teachers with an occupational
45 specialist teaching certificate.

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

49 (c) The state board of education shall issue charter school-specific
50 teaching certificates to teachers upon recommendation of the individ-

DRAFT

DRMDD132

1 ual charter school, unless denied on the grounds set forth in section
2 33-1208, Idaho Code.

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

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

11 (a) Educational services providers shall be third-party entities sepa-
12 rate from the public charter schools with which they contract and shall
13 not be considered governmental entities.

14 (b) No more than one-third (1/3) of the public charter school's board
15 membership may be comprised of nonprofit educational services provider
16 representatives. Nonprofit educational services provider repre-
17 sentatives may not be employees of the public charter school or the
18 educational services provider and may not hold office as president or
19 treasurer on the public charter school's board. For-profit educational
20 services providers may not have representatives on the public charter
21 school's board of directors.

22 (c) Charter holders shall annually disclose any existing and potential
23 conflicts of interest, pecuniary or otherwise, with affiliated educa-
24 tional services providers.

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

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

32 (f) Contracts must ensure that assets purchased by educational ser-
33 vices providers on behalf of the school, using public funds, shall
34 remain assets of the school. The provisions of this paragraph shall
35 not prevent educational services providers from acquiring assets using
36 revenue acquired through management fees.

37 (g) Charter holders shall consult legal counsel independent of the
38 party with whom they are contracting for purposes of reviewing the
39 school's management contract and facility lease or purchase agreements
40 to ensure compliance with applicable state and federal law, including
41 requirements that state entities not enter into contracts that obligate
42 them beyond the terms of any appropriation of funds by the state legis-
43 lature.

44 (h) Charter holders must ensure that their facility contracts are sepa-
45 rate from management contracts.

46 (i) A virtual school shall be deemed financially sufficient if there is
47 an agreement that requires an education service provider to assume the
48 virtual school's financial risk when it does not have sufficient resid-
49 ual funds to pay the education service provider. Where this paragraph
50 is applicable, the education service provider shall make its audited

DRAFT

DRMDD132

1 financial statements available unless the education service provider
2 already makes such audited financial statements publicly available for
3 compliance with other federal or state laws.

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

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

38 (b) If capacity is insufficient to enroll all pupils who submit a timely
39 application for subsequent school terms, then the admission procedures
40 may provide that preference shall be given in the following order:
41 first, to pupils returning to the public charter school in the second or
42 any subsequent year of its operation; and then as provided in (a). The
43 sibling preference in subsequent school years applies to siblings of a
44 returning pupil and of a pupil selected by the lottery or other random
45 method. A new lottery shall be conducted each year to fill vacancies
46 that become available. A public charter school may weight the school's
47 lottery to preference admission as provided in (a) and (b) and for chil-
48 dren who attended the public charter school within the previous three

49 (3) school years, but who withdrew as a result of the relocation of a

DRAFT

DRMDD132

15

1 parent or guardian due to an academic sabbatical, or an employer or mil-
2 itary transfer or reassignment.

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

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

20 (e) Within seven (7) days after conducting the selection process, the
21 charter holder shall send an offer to the legal guardian who submitted a
22 written request for admission on behalf of a student, advising such per-
23 son that student has been selected for admission to the public charter
24 school. An offer must be signed by such student's parent, or guardian,
25 and returned to the public charter school by the date designated in such
26 offer letter. Remaining students shall be notified that they may be el-
27 igible for admission at a later date if a seat becomes available.

28 SECTION 22. That Section 33-5207, Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 23. That Chapter 52, Title 33, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 33-5207, Idaho Code, and to read as follows:

33 33-5207. APPLICATION APPEAL PROCEDURE. (1) If an authorizer denies an
34 application for the establishment of a public charter school for any reason,
35 then such decisions may be appealed to the office of administrative hearings
36 within thirty (30) days of the date of the written decision at the request of
37 the applicant whose request for a new charter was denied.

38 (2) The office of administrative hearings shall, within thirty (30)
39 days of receipt of the request, review the full record regarding the charter
40 application and convene a public hearing regarding the appeal. Within ten
41 (10) days of the public hearing, the hearing officer shall submit a written
42 recommendation to the authorizer and to the persons requesting the review.
43 The recommendation by the hearing officer either to affirm or reverse the
44 decision of the authorizer shall be based upon the full record regarding
45 the charter application, including the standards and criteria contained
46 in this chapter. The recommendation shall be in writing and accompanied by
47 a reasoned statement that explains the criteria and standards considered

Friday December 08, 2023 8:33 AM

DRAFT

DRMDD132

16

1 relevant, states the relevant contested facts relied upon, and explains the
2 rationale for the recommendations based on the applicable statutory provi-
3 sions and factual information contained in the record.

4 (3) Within thirty (30) days following receipt of the hearing officer's
5 written recommendation, the authorizer shall hold a meeting open to the pub-
6 lic for the purpose of reviewing the hearing officer's written recommenda-
7 tion. Within ten (10) days of such meeting, the authorizer shall either af-
8 firm or reverse its initial decision. The authorizer's decision shall be in
9 writing and contain findings which explain the reasons for its decision.

10 (4) If, upon reconsideration of a decision to deny an application for a
11 public charter school, the authorizer:

12 (a) Reverses its initial decision and approves the public charter
13 school application, then there shall be no further appeal.

14 (b) Affirms its initial decision denying the public charter school ap-
15 plication, then the board of directors of the nonprofit corporation may
16 appeal as set forth in chapter 52, title 67, Idaho Code.

17 (5) There shall be no appeal of a decision by a local school board of
18 trustees which denies the conversion of an existing traditional public
19 school within that district to a public charter school, or by an authorizer
20 which approves an application for a public charter school.

21 SECTION 24. That Section 33-5208, Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 25. That Chapter 52, Title 33, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 33-5208, Idaho Code, and to read as follows:

26 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as oth-
27 erwise provided for in this section, the state department of education shall
28 make the following apportionment to each charter school for each fiscal year
29 based on attendance figures submitted in a manner and time as required by the
30 state department of education.

31 (2) Per student support. Computation of support units for each public
32 charter school shall be calculated as if it were a separate school accord-
33 ing to the schedules in section 33-1002(4), Idaho Code, except that public
34 charter schools with fewer than one hundred (100) secondary ADA shall use a
35 divisor of twelve (12) and the minimum units shall not apply. No public char-
36 ter school shall receive an increase in support units that exceeds the sup-
37 port units it received in the prior year by more than forty (40), except in
38 cases of state declared emergencies that have been approved by the autho-
39 rizer as having an impact on public education. Funding from the state ed-
40 ucational support program shall be equal to the total distribution factor,
41 plus the salary-based apportionment provided in chapter 10, title 33, Idaho
42 Code. Provided however, any public charter school that is formed by the con-
43 version of an existing traditional public school shall be assigned divisors,
44 pursuant to section 33-1002, Idaho Code, that are no lower than the divisors
45 of the school district in which the traditional public school is located, for
46 each category of pupils listed.

DRAFT

DRMDD132

17

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

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

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

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

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

31 (6) Facilities funds.

32 (a) The state department of education shall distribute facilities
33 funds to public charter schools for each enrolled student in which a
34 majority of the student's instruction is received at a facility that is
35 owned or leased by the public charter school. Such funds shall be used
36 to defray the costs associated with payments for real property used by
37 the students or employees of the public charter school for educational
38 or administrative purposes. Such funds shall be distributed from the
39 moneys appropriated to the educational support program and shall be
40 calculated as fifty percent (50%) of the statewide average amount of
41 bond and plant facility funds levied per student by Idaho school dis-
42 tricts.

43 (b) For those public charter schools that do not receive facilities
44 funds for all enrolled students, the school may submit to the state
45 department of education a reimbursement claim for any costs for which
46 facilities funds may be used. The state department of education shall
47 reduce such claim by the greater of fifty percent (50%) or the percent-
48 age of the school's enrolled students for which the school receives
49 facilities funds and shall pay the balance. Provided however, that the
50 total reimbursements paid to a public charter school, in combination

DRAFT

DRMDD132

18

1 with any facilities stipend received by the school, shall not exceed the
2 amount of facilities funds that would have been received by the school
3 had the school received facilities funds for all enrolled students. For
4 the purposes of this subsection, the term "real property" shall be used
5 as defined in section 63-201, Idaho Code.

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

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

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

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

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

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

DRAFT

DRMDD132

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

3 (a) Applying for federal grant moneys or for career technical education
4 funding of any source; and

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

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

13 (12) All federal educational funds shall be administered and dis-
14 tributed to public charter schools, including public virtual schools, that
15 have been designated as a local education agency (LEA), as provided in sec-
16 tion 33-5203(8), Idaho Code.

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

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

25 SECTION 26. That Section 33-5209B, Idaho Code, be, and the same is
26 hereby repealed.

27 SECTION 27. That Chapter 52, Title 33, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 33-5209B, Idaho Code, and to read as follows:

30 33-5209B. CHARTER RENEWALS. (1) A charter may be renewed for succes-
31 sive terms. An authorizer may grant renewal with specific written condi-
32 tions for necessary improvements to a public charter school and a date by
33 which the conditions must be met.

34 (2) No later than September 1, the authorizer shall issue a public char-
35 ter school performance report and charter renewal application guidance to
36 any charter holder with a public charter school whose charter will expire the
37 following year. The performance report shall summarize the public charter
38 school's performance record to date, based on the performance certificate,
39 and shall provide notice of any weaknesses or concerns that may jeopardize
40 renewal, if not timely rectified. The charter holder shall have thirty (30)
41 days to respond to the performance report and submit any corrections or clar-
42 ifications for the report.

43 (3) The renewal application guidance shall, at a minimum, provide an
44 opportunity for the charter holder to:

45 (a) Present additional evidence, beyond the data contained in the per-
46 formance report, supporting its case for charter renewal; and

47 (b) Describe improvements undertaken or planned for the school.

DRAFT

DRMDD132

20

1 (4) The renewal application guidance shall include or refer explicitly
2 to the criteria that will guide the authorizer's renewal decisions, which
3 shall be based on independent fiscal audits and the performance framework
4 set forth in the performance certificate.

5 (5) No later than December 15, the charter holder seeking renewal shall
6 submit a renewal application to the authorizer pursuant to the renewal ap-
7 plication guidance issued by the authorizer. The authorizer shall vote on
8 the renewal application no later than March 15 or the application shall be
9 deemed approved.

10 (6) In making charter renewal decisions, every authorizer shall:

11 (a) Ground its decisions in evidence of the school's performance over
12 the term of the performance certificate;

13 (b) Ensure that data used in making renewal decisions are available to
14 the school and the public;

15 (c) Take into consideration the actual and potential at-risk makeup of
16 the student body population defined by the criteria set forth in sec-
17 tion 33-1001(3) (a) and (b), Idaho Code, for all grade levels and econom-
18 ically disadvantaged students;

19 (d) Provide a public report summarizing the evidence basis for each de-
20 cision.

21 (7) An authorizer shall renew any charter in which the public charter
22 school met all of the terms of its performance certificate at the time of re-
23 newal for a term of twelve (12) years, or in the case of a pilot charter, a
24 renewal term of six (6) years. An authorizer may renew for a six (6) year term
25 or nonrenew any charter in which the public charter school failed to meet one
26 (1) or more of the terms of its performance certificate.

27 (8) If an authorizer takes no action to renew or nonrenew a charter, the
28 charter shall be provisionally renewed until such time as the chartering en-
29 tity takes action.

30 (9) A decision to nonrenew a charter or to deny a revision of a charter
31 may be appealed to the office of administrative hearings and is subject to
32 judicial review as a contested case set forth in chapter 52, title 67, Idaho
33 Code.

34 SECTION 28. That Section 33-5209C, Idaho Code, be, and the same is
35 hereby repealed.

36 SECTION 29. That Chapter 52, Title 33, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 igned as Section 33-5209C, Idaho Code, and to read as follows:

39 33-5209C. REVOCATION OF A CHARTER. (1) A charter may be revoked by the
40 authorizer if the public charter school fails to correct the following after
41 fair and specific notice from the authorizer:

42 (a) Commits a material and substantial violation of any of the terms,
43 conditions, standards, or procedures required under this Act or the
44 performance certificate;

45 (b) Fails to meet generally accepted standards for fiscal management;
46 or

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DRMDD132

1 (c) Substantially violates any material provision of law from which the
2 public charter school was not exempted.

3 (2) Revocation may not occur until the charter holder has been afforded
4 a public hearing, unless the authorizer determines that the continued opera-
5 tion of the public charter school presents an imminent public safety issue,
6 in which case the charter may be revoked immediately. Public hearings shall
7 be conducted by the authorizer or such other person or persons appointed by
8 the authorizer to conduct public hearings and receive evidence as a con-
9 tested case in accordance with the provisions of section 67-5242, Idaho
10 Code. Notice and opportunity to reply shall include, at a minimum, written
11 notice setting out the basis for consideration of revocation, a period of
12 not less than thirty (30) days within which the charter holder can reply in
13 writing, and a public hearing within thirty (30) days of the receipt of the
14 written reply. If a charter holder does not reply by the date set in the
15 notice, a public hearing shall be held no later than sixty (60) days after the
16 date the notice was sent by the authorizing charter entity.

17 (3) If an authorizer revokes a charter, the authorizer in a resolution
18 of its governing body shall clearly state the reasons for the revocation.
19 The authorizer shall take into consideration if the school has been enrolled
20 in the Idaho building capacity program and any progress reported by the state
21 department of education.

22 (4) Within fourteen (14) days of taking action to revoke a charter, the
23 authorizer shall report to the state board of education the action taken and
24 shall provide a copy of the report to the charter holder at the same time.
25 The report shall include a copy of the authorizer's resolution setting forth
26 the action taken and reasons for the decision and assurances as to compliance
27 with the requirements set forth in this chapter.

28 (5) A decision to revoke a charter may be appealed to the office of ad-
29 ministrative hearings and is subject to judicial review as a contested case
30 set forth in chapter 52, title 67, Idaho Code.

31 SECTION 30. That Section 33-5210, Idaho Code, be, and the same is hereby
32 repealed.

33 SECTION 31. That Chapter 52, Title 33, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 33-5210, Idaho Code, and to read as follows:

36 33-5210. APPLICATION OF SCHOOL LAW - EXEMPTION FROM STATE RULES. (1)
37 All public charter schools are under the general supervision of the state
38 board of education.

39 (2) Each public charter school shall comply with the financial report-
40 ing requirements of section 33-701, subsections 5. through 10., Idaho Code,
41 in the same manner as those requirements are imposed upon school districts
42 and with laws governing safety including, but not limited to, sections
43 33-122 and 33-130, Idaho Code, and chapter 2, title 33, Idaho Code, and rules
44 promulgated thereunder.

45 (3) Other than as specified in this section, each public charter school
46 is exempt from rules governing school districts promulgated by the state
47 board of education, with the exception of state rules relating to:

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DRMDD132

- 1 (a) Teacher certification as necessitated by the provisions of section
- 2 33-5206(3) and (4), Idaho Code;
- 3 (b) Accreditation of the school as necessitated by the provisions of
- 4 section 33-5206(14), Idaho Code;
- 5 (c) Qualifications of a student for attendance at an alternative school
- 6 as necessitated by the provisions of section 33-5208(4), Idaho Code;
- 7 and
- 8 (d) Rules promulgated pursuant to section 33-1612, Idaho Code.

9 SECTION 32. That Section 33-5211, Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 33. That Chapter 52, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 33-5211, Idaho Code, and to read as follows:

14 33-5211. TECHNICAL SUPPORT AND INFORMATION. (1) Upon request, the
15 state department of education shall provide technical assistance to persons
16 or authorizers preparing or reviewing charter applications or performance
17 certificates, and to existing public charter schools in the same manner as
18 such assistance is provided to traditional public schools and school dis-
19 tricts.

20 (2) The state department of education shall annually offer a public
21 charter school workshop and make a recording available to the public.

22 (3) The state department of education shall collaborate with authoriz-
23 ers to enroll charter schools in need of improvement in support and devel-
24 opment programs including, but not limited to, the Idaho building capacity
25 program.

26 SECTION 34. That Section 33-5212, Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 35. That Chapter 52, Title 33, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 33-5212, Idaho Code, and to read as follows:

31 33-5212. SCHOOL CLOSURE AND DISSOLUTION. (1) Authorizers shall have a
32 public charter school closure protocol to ensure timely notification to par-
33 ents, orderly transition of students and student records to new schools, and
34 proper disposition of school funds, property and assets in accordance with
35 the requirements of this chapter. The protocol shall specify tasks, time-
36 lines, and responsible parties, including delineating the respective duties
37 of the school and the authorizer. In the event of a public charter school
38 closure for any reason, the authorizer shall oversee and work with the clos-
39 ing school to ensure a smooth and orderly closure and transition for students
40 and parents, as guided by the closure protocol. The closing school's charter
41 holder shall be responsible for executing the school's closure.

42 (2) In the event of a public charter school closure, the assets of
43 the school shall be distributed first to satisfy outstanding payroll obli-
44 gations for employees of the school, including any tax, public employee
45 retirement system and other employee benefit obligations, then to creditors

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DRMDD132

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1 of the school, and then to the authorizer in the case of a public charter
2 school authorized by the board of a local school district. In the case of
3 a public charter school authorized by any other authorizer, any remain-
4 ing assets shall be distributed to the public school income fund. Assets
5 purchased using federal funds shall be returned to the authorizer for redis-
6 tribution among other public charter schools. If the assets of the school
7 are insufficient to pay all parties to whom the school owes compensation, the
8 prioritization of the distribution of assets may be determined by decree of a
9 court of law.

10 SECTION 36. That Section 33-5213, Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 37. That Chapter 52, Title 33, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 33-5213, Idaho Code, and to read as follows:

15 33-5213. PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby cre-
16 ated the public charter school commission, referred to hereinafter as the
17 commission, under the department of self-governing agencies. The commis-
18 sion is hereby authorized to appoint a director who shall serve at the plea-
19 sure of the commission and shall receive such salary as fixed by the commis-
20 sion. It shall be the responsibility and duty of the director acting at the
21 direction of the commission to administer and enforce the provisions of this
22 chapter, and foster and support charter schools through effective partner-
23 ships with other state agencies. The director shall hire such staff as may be
24 necessary to assist in carrying out the provisions of this chapter.

25 (2) The public charter school commission shall adopt policies regard-
26 ing the governance and administration of the commission consistent with leg-
27 islative intent.

28 (3) The commission shall be composed of seven (7) members appointed by
29 the governor, subject to the advice and consent of the senate.

30 (4) The term of office for commission members shall be four (4) years.
31 In making such appointments, the governor shall consider regional balance
32 without reference to party affiliation. Members appointed to the commis-
33 sion shall collectively possess strong experience and expertise in public
34 and nonprofit governance, management and finance, public school leadership,
35 assessment, curriculum and instruction, and public education law. All mem-
36 bers of the commission shall have demonstrated understanding of and commit-
37 ment to charter schools as a strategy for strengthening public education by
38 providing additional education choices from which parents can choose. Mem-
39 bers of the commission shall hold office until the expiration of the term to
40 which the member was appointed and until a successor has been duly appointed,
41 unless sooner removed for cause by the governor. Whenever a vacancy occurs,
42 the governor shall appoint a qualified person to fill the vacancy for the un-
43 expired portion of the term.

44 (5) All members of the commission shall be citizens of the United States
45 and residents of the state of Idaho for not less than two (2) years.

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DRMDD132

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1 (6) The members of the commission shall elect a chair and a vice chair
2 every two (2) years. The chair shall preside at meetings of the commission,
3 and the vice chair shall preside at such meetings in the absence of the chair.

4 (7) Each member of the commission not otherwise compensated by public
5 moneys shall be compensated as provided in section 59-509 (h), Idaho Code.

6 SECTION 38. That Section 33-5214, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 39. That Chapter 52, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-5214, Idaho Code, and to read as follows:

11 33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby cre-
12 ated in the state treasury a fund to be known as the "Public Charter School
13 Authorizers Fund." All authorizer fees paid for public charter schools under
14 the governance of the public charter school commission shall be deposited in
15 this fund and be subject to appropriation.

16 SECTION 40. That Section 33-5215, Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 41. That Section 67-2601, Idaho Code, as amended by Section 33,
19 Chapter 220, Laws of 2023, be, and the same is hereby amended to read as fol-
20 lows:

21 67-2601. DEPARTMENT CREATED -- ORGANIZATION. (1) There is hereby cre-
22 ated the department of self-governing agencies. The department shall, for
23 the purposes of section 20, article IV, of the constitution of the state of
24 Idaho, be an executive department of the state government.

25 (2) The department shall consist of the following:

26 (a) Agricultural commodity commissions: Idaho apple commission, as
27 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,
28 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
29 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
30 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
31 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
32 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
33 Idaho potato commission, as provided by chapter 12, title 22, Idaho
34 Code; the Idaho wheat commission, as provided by chapter 33, title 22,
35 Idaho Code; and the Idaho alfalfa and clover seed commission, as pro-
36 vided in chapter 42, title 22, Idaho Code.

37 (b) The board of commissioners of the Idaho state bar, as provided by
38 chapter 4, title 3, Idaho Code.

39 (c) The board of examiners, pursuant to section 67-2001, Idaho Code.

40 (d) The division of veterans services to be headed by a division ad-
41 ministrator who shall be a nonclassified employee exempt from the pro-
42 visions of chapter 53, title 67, Idaho Code. The administrator of the
43 division shall administer the provisions of chapter 2, title 65, Idaho
44 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
45 erans affairs commission established under chapter 2, title 65, Idaho

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1 Code, and shall perform such additional duties as are imposed upon him
2 by law.

3 (e) The board of library commissioners, pursuant to section 33-2502,
4 Idaho Code.

5 (f) The Idaho state historical society, pursuant to section 67-4123,
6 Idaho Code.

7 (g) The office of the state appellate public defender, pursuant to
8 chapter 59, title 19, Idaho Code, and the office of the state public
9 defender, pursuant to chapter 60, title 19, Idaho Code.

10 (h) The division of occupational and professional licenses, which is
11 hereby created.

12 (i) The public charter school commission, pursuant to section 33-5213,
13 Idaho Code.

14 (3) Notwithstanding any other provision of law to the contrary, the
15 governor shall have the authority to assign entities listed in subsection
16 (2) of this section to divisions, sections, or units in such a manner as will
17 tend to provide an orderly arrangement in the administrative organization of
18 state government.

19 SECTION 42. The rules contained in IDAPA 08.02.04, relating to Rules
20 Governing Public Charter Schools, shall be null, void, and of no force and
21 effect on and after the effective date of this act.

22 SECTION 43. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after its
24 passage and approval.