

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 422

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC CHARTER SCHOOLS; REPEALING SECTION 33-5201, IDAHO CODE,
2 RELATING TO A SHORT TITLE; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE,
3 BY THE ADDITION OF A NEW SECTION 33-5201, IDAHO CODE, TO PROVIDE A
4 SHORT TITLE; REPEALING SECTION 33-5202, IDAHO CODE, RELATING TO LEG-
5 ISLATIVE INTENT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE
6 ADDITION OF A NEW SECTION 33-5202, IDAHO CODE, TO PROVIDE LEGISLATIVE
7 INTENT; REPEALING SECTION 33-5202A, IDAHO CODE, RELATING TO DEFINI-
8 TIONS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A
9 NEW SECTION 33-5202A, IDAHO CODE, TO DEFINE TERMS; REPEALING SECTION
10 33-5203, IDAHO CODE, RELATING TO AUTHORIZATION OF CHARTER SCHOOLS AND
11 LIMITATIONS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION
12 OF A NEW SECTION 33-5203, IDAHO CODE, TO PROVIDE FOR THE APPROVAL OF PUB-
13 LIC CHARTER SCHOOLS; REPEALING SECTION 33-5204, IDAHO CODE, RELATING
14 TO NONPROFIT CORPORATION LIABILITY AND INSURANCE; AMENDING CHAPTER 52,
15 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5204, IDAHO
16 CODE, TO PROVIDE FOR NONPROFIT CORPORATION LIABILITY AND INSURANCE;
17 REPEALING SECTION 33-5204A, IDAHO CODE, RELATING TO THE APPLICABILITY
18 OF PROFESSIONAL CODES AND STANDARDS; REPEALING SECTION 33-5205, IDAHO
19 CODE, RELATING TO PETITIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS; AMEND-
20 ING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
21 33-5205, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO ESTABLISH PUBLIC
22 CHARTER SCHOOLS; REPEALING SECTION 33-5205A, IDAHO CODE, RELATING TO
23 TRANSFER OF CHARTER; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE
24 ADDITION OF A NEW SECTION 33-5205A, IDAHO CODE, TO PROVIDE FOR TRANSFER
25 OF CHARTER; REPEALING SECTION 33-5205B, IDAHO CODE, RELATING TO PERFOR-
26 MANCE CERTIFICATES; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE
27 ADDITION OF A NEW SECTION 33-5205B, IDAHO CODE, TO PROVIDE FOR PERFOR-
28 MANCE-BASED ACCOUNTABILITY; REPEALING SECTION 33-5205C, IDAHO CODE,
29 RELATING TO PUBLIC CHARTER SCHOOL REPLICATION; AMENDING CHAPTER 52,
30 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205C, IDAHO
31 CODE, TO PROVIDE FOR PUBLIC CHARTER SCHOOL REPLICATION; REPEALING SEC-
32 TION 33-5206, IDAHO CODE, RELATING TO REQUIREMENTS AND PROHIBITIONS OF
33 A PUBLIC CHARTER SCHOOL; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY
34 THE ADDITION OF A NEW SECTION 33-5206, IDAHO CODE, TO PROVIDE REQUIRE-
35 MENTS FOR OPERATING A PUBLIC CHARTER SCHOOL; REPEALING SECTION 33-5207,
36 IDAHO CODE, RELATING TO CHARTER APPEAL PROCEDURE; AMENDING CHAPTER 52,
37 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5207, IDAHO
38 CODE, TO PROVIDE FOR PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; REPEAL-
39 ING SECTION 33-5208, IDAHO CODE, RELATING TO PUBLIC CHARTER SCHOOL
40 FINANCIAL SUPPORT; REPEALING SECTION 33-5209A, IDAHO CODE, RELATING
41 TO CHARTER SCHOOL ACCOUNTABILITY; AMENDING CHAPTER 52, TITLE 33, IDAHO
42 CODE, BY THE ADDITION OF A NEW SECTION 33-5209A, IDAHO CODE, TO PROVIDE
43 FOR CHARTER RENEWALS; REPEALING SECTION 33-5209B, IDAHO CODE, RELATING
44 TO CHARTER RENEWALS; REPEALING SECTION 33-5209C, IDAHO CODE, RELATING
45

1 TO ENFORCEMENT, REVOCATION, AND APPEALS; AMENDING CHAPTER 52, TITLE 33,
 2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5209C, IDAHO CODE, TO
 3 PROVIDE FOR REVOCATION OF A CHARTER; REPEALING SECTION 33-5210, IDAHO
 4 CODE, RELATING TO APPLICATION OF SCHOOL LAW, ACCOUNTABILITY, AND EX-
 5 EMPTION FROM STATE RULES; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY
 6 THE ADDITION OF A NEW SECTION 33-5210, IDAHO CODE, TO PROVIDE FOR THE
 7 APPLICATION OF SCHOOL LAW AND EXEMPTION FROM STATE RULES; REPEALING
 8 SECTION 33-5211, IDAHO CODE, RELATING TO TECHNICAL SUPPORT AND INFOR-
 9 MATION; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A
 10 NEW SECTION 33-5211, IDAHO CODE, TO PROVIDE FOR TECHNICAL SUPPORT AND
 11 INFORMATION; REPEALING SECTION 33-5212, IDAHO CODE, RELATING TO SCHOOL
 12 CLOSURE AND DISSOLUTION; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY
 13 THE ADDITION OF A NEW SECTION 33-5212, IDAHO CODE, TO PROVIDE FOR SCHOOL
 14 CLOSURE AND DISSOLUTION; REPEALING SECTION 33-5213, IDAHO CODE, RELAT-
 15 ING TO THE PUBLIC CHARTER SCHOOL COMMISSION; AMENDING CHAPTER 52, TITLE
 16 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5213, IDAHO CODE,
 17 TO PROVIDE FOR THE PUBLIC CHARTER SCHOOL COMMISSION; REPEALING SECTION
 18 33-5214, IDAHO CODE, RELATING TO THE PUBLIC CHARTER SCHOOL AUTHORIZERS
 19 FUND; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW
 20 SECTION 33-5214, IDAHO CODE, TO PROVIDE FOR THE PUBLIC CHARTER SCHOOL
 21 AUTHORIZERS FUND; REPEALING SECTION 33-5215, IDAHO CODE, RELATING TO
 22 CAREER TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS; AMENDING SECTION
 23 33-1002, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SEC-
 24 TION 33-1009, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
 25 SECTION 33-1612, IDAHO CODE, TO PROVIDE FOR VIRTUAL INSTRUCTION VIA THE
 26 INTERNET; AMENDING SECTION 33-1619, IDAHO CODE, TO PROVIDE FOR THE USE
 27 OF TECHNOLOGY VIA THE INTERNET AND TO PROVIDE A CORRECT CODE REFERENCE;
 28 AMENDING SECTION 33-3407, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
 29 ENCE; AMENDING SECTION 33-5504A, IDAHO CODE, TO PROVIDE A CORRECT CODE
 30 REFERENCE; PROVIDING THAT CERTAIN ADMINISTRATIVE RULES SHALL BE NULL,
 31 VOID, AND OF NO FORCE AND EFFECT; AND DECLARING AN EMERGENCY.

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

33 SECTION 1. That Section [33-5201](#), Idaho Code, be, and the same is hereby
 34 repealed.

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

38 33-5201. SHORT TITLE. This chapter shall be known and may be cited as
 39 the "Accelerating Public Charter Schools Act."

40 SECTION 3. That Section [33-5202](#), Idaho Code, be, and the same is hereby
 41 repealed.

42 SECTION 4. 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 33-5202, Idaho Code, and to read as follows:

1 33-5202. LEGISLATIVE INTENT. It is the intent of the legislature to
2 provide opportunities for students, parents, teachers, and community mem-
3 bers to attend, establish, and maintain public charter schools that operate
4 independently from the existing traditional school district structure but
5 within the existing public school system. Public charter schools are hereby
6 authorized as part of the state's program of public education and they shall
7 have equal access and authority to participate in all state and federal pro-
8 grams to the same extent as a traditional public school, irrespective of the
9 instructional delivery method. The legislature aims to:

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

26 SECTION 5. That Section [33-5202A](#), Idaho Code, be, and the same is hereby
27 repealed.

28 SECTION 6. 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 33-5202A, Idaho Code, and to read as follows:

31 33-5202A. DEFINITIONS. As used in this chapter, unless the context re-
32 quires otherwise:

- 33 (1) "Application" means the document submitted to the authorizer to re-
34 quest the creation of a public charter school.
- 35 (2) "Authorizer" means any of the following:
 - 36 (a) A local board of trustees of a school district;
 - 37 (b) The public charter school commission;
 - 38 (c) An Idaho public college, university, or community college; or
 - 39 (d) A private, nonprofit, Idaho-based, nonsectarian college or univer-
40 sity that is accredited by the same organization that accredits Idaho
41 public colleges and universities.
- 42 (3) "Charter" means the grant of authority approved by the authorizer
43 to the charter holder.
- 44 (4) "Charter holder" means the public charter school's board of direc-
45 tors to which a charter is granted.
- 46 (5) "Educational services provider" means a nonprofit or for-profit
47 entity that contracts with a public charter school for a fee to provide

1 educational services and resources, including administrative support and
2 educational design, implementation, or management.

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

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

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

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

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

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

24 SECTION 7. That Section [33-5203](#), Idaho Code, be, and the same is hereby
25 repealed.

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

29 33-5203. APPROVAL OF PUBLIC CHARTER SCHOOLS. (1) No whole school dis-
30 trict may be converted to a charter district or any configuration that in-
31 cludes all schools as public charter schools.

32 (2) (a) The authorizer must receive an application no later than Septem-
33 ber 1 for a new public charter school to be eligible to begin instruc-
34 tion the first complete school year following receipt of the applica-
35 tion, unless the authorizer agrees to a later date; and

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

39 (3) Any authorizer may approve a public charter school formed by creat-
40 ing a new public charter school or by replicating an existing public charter
41 school. Converting an existing traditional public school to a public char-
42 ter school may only be approved by the board of trustees of the school dis-
43 trict in which the existing public school is located.

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

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

47 (b) For a for-profit entity; provided, however, nothing in this section
48 shall prevent the board of directors of a public charter school from

1 legally contracting with an educational service provider that provides
2 comprehensive educational administrative and management services or
3 with for-profit entities for the provision of products or services that
4 aid in the operation of the school; or

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

8 (5) A charter holder may not operate enterprises unrelated to the edu-
9 cational purposes for which the public charter school has been authorized.
10 In cases of related enterprises, including but not limited to daycare and af-
11 ter school programs, no state education funding authorized pursuant to this
12 chapter may be used to subsidize such related enterprises.

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

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

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

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

22 SECTION 9. That Section [33-5204](#), Idaho Code, be, and the same is hereby
23 repealed.

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

27 33-5204. NONPROFIT CORPORATION -- LIABILITY -- INSURANCE. (1) A pub-
28 lic charter school shall be organized and managed pursuant to the Idaho non-
29 profit corporation act, chapter 30, title 30, Idaho Code. The board of di-
30 rectors of a public charter school shall be deemed public agents authorized
31 to operate and control the public charter school.

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

40 (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and cor-
41 rupt influence, except as provided by section 74-405, Idaho Code;

42 (b) Chapters 1, 2, 4, and 5, title 74, Idaho Code; and

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

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

1 row money for such purposes to the same extent and on the same conditions as
2 a traditional public school district, and its employees, directors, and of-
3 ficers shall enjoy the same immunities as employees, directors, and offi-
4 cers of traditional public school districts and other public schools, in-
5 cluding those provided by chapter 9, title 6, Idaho Code. The authorizer
6 that approves a public school charter has no liability for the acts, omis-
7 sions, debts, or other obligations of a public charter school, except as may
8 be provided in the charter. A local public school district has no liabil-
9 ity for the acts, omissions, debts, or other obligations of a public charter
10 school located in its district that has been approved by an authorizer other
11 than the board of 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 in this section shall prevent the char-
16 ter holder from using the facility or its equipment and furnishings as col-
17 lateral for the 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
21 charter school for deposit in any bank or trust company or the lending of
22 moneys 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 of compensation by any public charter
26 school board of directors 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 that is consistent with
32 section 33-507, Idaho Code, regarding the hiring of family members, to avoid
33 any nepotism in hiring and supervision. The policy shall require, among
34 other things, a disclosure to the board of any potential nepotism in hiring
35 and supervision. Any party with such a conflict shall not be involved in the
36 hiring decision or supervision of a potential employee.

37 SECTION 11. That Section [33-5204A](#), Idaho Code, be, and the same is
38 hereby repealed.

39 SECTION 12. That Section [33-5205](#), Idaho Code, be, and the same is hereby
40 repealed.

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

44 33-5205. APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL -- HEARING
45 -- APPLICATION DECISION -- APPEAL PROCEDURE -- TERM. (1) A public charter
46 school application may be submitted to only one (1) authorizer at a time. If
47 an application has been denied by an authorizer or an application is with-

1 drawn by the applicant, then the applicant may resubmit an application to an-
2 other authorizer.

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

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

13 (ii) The financial and facilities plan with a pre-opening budget,
14 three (3) year operating budget, break-even analysis and cash flow
15 projection, evidence of existing and anticipated funds, and pro-
16 jected facility costs;

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

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

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

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

28 (3) An application for a virtual school must also contain statements
29 describing the following:

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

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

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

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

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

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

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

48 (h) Any financial agreement that will require an education service
49 provider to assume a virtual school's financial risk when the virtual
50 school does not have sufficient residual funds to pay the education ser-

1 vice provider, to the extent there is such an agreement. Such financial
2 agreement will be favorably considered during the application process.
3 Where this paragraph is applicable, the education service provider
4 shall make its audited financial statements available unless the educa-
5 tion service provider already makes such audited financial statements
6 publicly available for compliance with other federal or state laws; and

7 (i) A plan for ensuring equal access for all students, including the
8 provision of necessary hardware, software, and internet connectivity
9 required for participation in online coursework, and utilization of re-
10 mote testing, proctoring, and administration procedures for state-re-
11 quired assessments.

12 (4) The authorizer shall afford applicants a hearing prior to making a
13 decision, with an opportunity in a public forum for local residents to learn
14 about and provide input on each application. The authorizer shall provide
15 each applicant with its detailed analysis of the application and grant the
16 applicant at least fourteen (14) days to provide additional materials to ad-
17 dress any identified deficiencies.

18 (5) No later than ninety (90) days after an application is submitted,
19 the authorizer shall decide to approve or deny the charter application, un-
20 less the applicant agrees to a later date. The authorizer shall adopt by res-
21 olution all charter approval or denial decisions in an open meeting of the
22 authorizer's governing board and, in the case of a denial, include all rea-
23 sons for denial in the resolution adopted by the governing board.

24 (a) An application may be approved by the authorizer without condition
25 or with specific and relevant pre-opening conditions the authorizer
26 finds necessary in the applicant's unique case to ensure the school can
27 meet its academic and financial requirements.

28 (b) If an application is denied, then the authorizer must prepare a
29 written notice of its decision within fourteen (14) days, including all
30 of the reasons for the denial and a statement that explains the crite-
31 ria and standards considered relevant by the authorizer in its denial,
32 the relevant contested facts relied upon, and the rationale for the
33 decision based on the applicable statutory provisions and factual in-
34 formation presented to the authorizer.

35 (6) If an authorizer denies an application for the establishment of a
36 public charter school for any reason, then such decision may be appealed to
37 the office of administrative hearings within thirty (30) days of the date of
38 the written decision at the request of the applicant whose request for a new
39 charter was denied.

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

1 facts relied upon, and explains the rationale for the recommendations
2 based on the applicable statutory provisions and factual information
3 contained in the record.

4 (b) Within thirty (30) days following receipt of the hearing officer's
5 written recommendation, the authorizer shall hold a meeting open to the
6 public for the purpose of reviewing the hearing officer's written rec-
7 ommendation. Within ten (10) days of such meeting, the authorizer shall
8 either affirm or reverse its initial decision. The authorizer's deci-
9 sion shall be in writing and contain findings that explain the reasons
10 for its decision.

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

13 (i) Reverses its initial decision and approves the public charter
14 school application, then there shall be no further appeal; or

15 (ii) Affirms its initial decision denying the public charter
16 school application, then the board of directors of the nonprofit
17 corporation may appeal as set forth in chapter 52, title 67, Idaho
18 Code.

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

23 (7) (a) An approved initial charter shall be granted for a term of six
24 (6) operating years. The charter shall include the beginning and end-
25 ing dates of the charter term. An approved school may delay its open-
26 ing for one (1) school year to plan and prepare for the school's opening.
27 A delay greater than one (1) school year requires an extension from the
28 school's authorizer.

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

34 SECTION 14. That Section [33-5205A](#), Idaho Code, be, and the same is
35 hereby repealed.

36 SECTION 15. 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 33-5205A, Idaho Code, and to read as follows:

39 33-5205A. TRANSFER OF CHARTER. (1) A charter may be transferred to,
40 and placed under the chartering authority of, any authorizer if the receiv-
41 ing authorizer and the charter holder agree to such transfer. The receiving
42 authorizer and charter holder may agree to revisions to the charter and per-
43 formance certificate as required by such transfer.

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

47 (3) If the current authorizer does not approve the request, then the
48 matter may be appealed to the office of administrative hearings and be sub-

1 ject to judicial review as a contested case pursuant to chapter 52, title 67,
2 Idaho Code.

3 SECTION 16. That Section [33-5205B](#), Idaho Code, be, and the same is
4 hereby repealed.

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

8 33-5205B. PERFORMANCE-BASED ACCOUNTABILITY. (1) Within seventy-five
9 (75) days of approval of a charter application, the authorizer and the
10 charter holder shall negotiate and execute a performance certificate that
11 clearly sets forth the agreed-upon academic and operational performance
12 expectations and measures, consistent with those outlined by the public
13 charter school in its application. The performance expectations and mea-
14 sures set forth in the performance certificate shall include:

15 (a) Student academic proficiency;
16 (b) Student academic growth;
17 (c) College and career readiness (for high schools);
18 (d) The actual and potential at-risk and economically disadvantaged
19 makeup of the student body population as defined in section 33-1001,
20 Idaho Code, for all grade levels; and
21 (e) Board performance and stewardship, including compliance with all
22 applicable laws, regulations, and terms of the performance certifi-
23 cate.

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

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

28 (4) An authorizer shall continually monitor the performance and legal
29 compliance of the public charter schools it oversees, including collecting
30 and analyzing data, and may conduct prearranged site visits, if needed, to
31 support ongoing evaluation according to the performance certificate. Ev-
32 ery authorizer shall have the authority to conduct oversight activities that
33 enable the authorizer to fulfill its responsibilities, including conduct-
34 ing appropriate inquiries and investigations, as long as those activities
35 are consistent with the intent of this chapter and do not unduly inhibit the
36 autonomy granted to public charter schools. If an authorizer has reason to
37 believe that a charter holder or public charter school has violated any pro-
38 vision of law, it shall notify the charter holder and the entity responsible
39 for administering said law of the possible violation.

40 (5) A charter holder or the authorizer may enter into negotiations to
41 revise a charter or performance certificate at any time. If a charter holder
42 applies to revise its charter or performance certificate, the authorizer's
43 review of the application shall be limited in scope solely to the proposed
44 revisions.

45 (6) The charter holder shall be responsible for promptly notifying the
46 authorizer of the following with appropriate documentation:

1 (a) If the charter holder becomes aware that the school is not operating
2 in substantial compliance with the terms and conditions of its perfor-
3 mance certificate;

4 (b) If any revisions or amendments are made to the articles of incorpo-
5 ration or bylaws;

6 (c) If the school's accrediting body finds that the school has failed to
7 meet or maintain full accreditation requirements;

8 (d) If any complaints are filed against the school, including but not
9 limited to lawsuits and complaints filed with the Idaho professional
10 standards commission relating to school employees;

11 (e) If there are changes to any school board members or their contact
12 information; or

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

18 SECTION 18. That Section [33-5205C](#), Idaho Code, be, and the same is
19 hereby repealed.

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

23 33-5205C. PUBLIC CHARTER SCHOOL REPLICATION. (1) Public charter
24 schools that have successfully completed at least one (1) renewal without
25 condition may apply for fast-tracked replication.

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

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

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

32 (b) A description of how the charter holder will manage multiple
33 charter schools while maintaining a high level of academic and fiscal
34 performance in the original public charter school and the replication
35 school; and

36 (c) Location-specific information for the new replication charter
37 school.

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

41 SECTION 20. That Section [33-5206](#), Idaho Code, be, and the same is hereby
42 repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (iii) Successful completion of a nationally recognized charter
37 school leaders fellowship; or

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

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

49 (6) Certified teachers in a public charter school shall be considered
50 public school teachers. Educational experience shall accrue for service in

1 a public charter school and be counted by any school district for any teacher
2 who has been employed in a public charter school. The staff of the public
3 charter school shall be considered a separate unit for the purposes of col-
4 lective bargaining.

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

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

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

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

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

24 (c) The state board of education shall issue charter school-specific
25 teaching certificates to teachers upon recommendation of the individ-
26 ual charter school, unless denied on the grounds set forth in section
27 33-1208, Idaho Code.

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

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

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

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

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

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

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

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

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

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

22 (i) A virtual school shall be deemed financially sufficient if there is
23 an agreement that requires an educational services provider to assume
24 the virtual school's financial risk when it does not have sufficient
25 residual funds to pay the educational services provider. Where this
26 paragraph is applicable, the educational services provider shall make
27 its audited financial statements available, unless the educational
28 services provider already makes such audited financial statements pub-
29 licly available for compliance with other federal or state laws.

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

41 (a) If initial capacity is insufficient to enroll all pupils who submit
42 a timely application, then the admission procedures may provide that
43 preference shall be given in the following order: first, to children
44 of founders, provided that this admission preference shall be limited
45 to not more than ten percent (10%) of the capacity of the public charter
46 school; second, to siblings of pupils already selected by the lottery
47 or other random method; third, to pupils seeking to transfer from an-
48 other Idaho public charter school or authorizer at which they have been
49 enrolled for at least one (1) year, provided that this admission prefer-
50 ence shall be subject to an existing written agreement for such prefer-

1 ence between the subject charter schools or authorizer; fourth, to stu-
2 dents residing within the primary attendance area of the public charter
3 school; and fifth, by an equitable selection process such as a lottery
4 or other random method. A public charter school may weight the school's
5 lottery to preference admission for the following educationally dis-
6 advantaged students: students living at or below one hundred eighty-
7 five percent (185%) of the federal poverty level, students who are home-
8 less or in foster care, children with disabilities as defined in sec-
9 tion 33-2001, Idaho Code, students with limited English proficiency,
10 and students who are at-risk as defined in section 33-1001, Idaho Code.
11 A public charter school may include the children of full-time employees
12 of the public charter school within the first priority group, subject to
13 the limitations therein.

14 (b) If capacity is insufficient to enroll all pupils who submit a timely
15 application for subsequent school terms, then the admission procedures
16 may provide that preference shall be given in the following order:
17 first, to pupils returning to the public charter school in the second
18 or any subsequent year of its operation; and then as provided in para-
19 graph (a) of this subsection. The sibling preference in subsequent
20 school years applies to siblings of a returning pupil and of a pupil
21 selected by the lottery or other random method. A new lottery shall be
22 conducted each year to fill vacancies that become available. A public
23 charter school may weight the school's lottery to preference admission
24 as provided in this paragraph and paragraph (a) of this subsection and
25 for children who attended the public charter school within the previous
26 three (3) school years but withdrew as a result of the relocation of a
27 parent or guardian due to an academic sabbatical or an employer or mili-
28 tary transfer or reassignment.

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

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

46 (e) Within seven (7) days after conducting the selection process, the
47 charter holder shall send an offer to the legal guardian who submitted a
48 written request for admission on behalf of a student notifying such per-
49 son that the student has been selected for admission to the public char-
50 ter school. An offer must be signed by such student's parent or guardian

1 and returned to the public charter school by the date designated in such
2 offer letter. Remaining students shall be notified that they may be el-
3 igible for admission at a later date if a seat becomes available.

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

8 SECTION 22. That Section [33-5207](#), Idaho Code, be, and the same is hereby
9 repealed.

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

13 33-5207. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as oth-
14 erwise provided for in this section, the state department of education shall
15 make the following apportionment to each charter school for each fiscal year
16 based on attendance figures submitted in a manner and time as required by the
17 state department of education.

18 (2) Per student support. Computation of support units for each public
19 charter school shall be calculated as if it were a separate school accord-
20 ing to the schedules in section 33-1002(4), Idaho Code, except that public
21 charter schools with fewer than one hundred (100) secondary ADA shall use a
22 divisor of twelve (12) and the minimum units shall not apply. No public char-
23 ter school shall receive an increase in support units that exceeds the sup-
24 port units it received in the prior year by more than forty (40), except in
25 cases of state declared emergencies that have been approved by the autho-
26 rizer as having an impact on public education. Funding from the state educa-
27 tional support program shall be equal to the total distribution factor, plus
28 the salary-based apportionment provided in chapter 10, title 33, Idaho Code.
29 Provided, however, any public charter school that is formed by the conver-
30 sion of an existing traditional public school shall be assigned divisors,
31 pursuant to section 33-1002, Idaho Code, that are no lower than the divisors
32 of the school district in which the traditional public school is located, for
33 each category of pupils listed.

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

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

44 (5) Transportation support. Support shall be paid to the public char-
45 ter school as provided in chapter 15, title 33, Idaho Code, and section
46 33-1006, Idaho Code. Each public charter school shall furnish the depart-
47 ment with an enrollment count as of the first Friday in November of public
48 charter school students who are eligible for reimbursement of transporta-

1 tion costs under the provisions of this subsection and who reside more than
2 one and one-half (1 1/2) miles from the school. The state department of edu-
3 cation is authorized to include in the annual appropriation to the charter
4 school sixty percent (60%) of the estimated transportation cost. The final
5 appropriation payment in July shall reflect reimbursements of actual costs
6 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-
7 ment under the provisions of section 33-1006, Idaho Code, the student to be
8 transported must reside within the public charter school's primary atten-
9 dance area and must meet at least one (1) of the following criteria:

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

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

16 (6) Facilities funds.

17 (a) The state department of education shall distribute facilities
18 funds to public charter schools for each enrolled student in which a
19 majority of the student's instruction is received at a facility that is
20 owned or leased by the public charter school. Such funds shall be used
21 to defray the costs associated with payments for real property used by
22 the students or employees of the public charter school for educational
23 or administrative purposes. Such funds shall be distributed from the
24 moneys appropriated to the educational support program and shall be
25 calculated as fifty percent (50%) of the statewide average amount of
26 bond and plant facility funds levied per student by Idaho school dis-
27 tricts.

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

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

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

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

9 (c) All subsequent payments, taking into account the onetime advance
10 payment made for the first year of operation, shall be made to the public
11 charter school in the same manner as other traditional public schools in
12 accordance with the provisions of section 33-1009, Idaho Code. A public
13 charter school shall comply with all applicable fiscal requirements of
14 law, except that the following provisions shall not be applicable to
15 public charter schools: that portion of section 33-1004, Idaho Code,
16 relating to reduction of the administrative and instructional staff
17 allowance and the pupil service staff allowance when there is a dis-
18 crepancy between the number allowed and the number actually employed;
19 and section 33-1004E, Idaho Code, for calculation of district staff
20 indices.

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

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

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

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

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

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

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

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

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

9 SECTION 24. That Section [33-5208](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 25. That Section [33-5209A](#), Idaho Code, be, and the same is
12 hereby repealed.

13 SECTION 26. That Chapter 52, Title 33, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 33-5209A, Idaho Code, and to read as follows:

16 33-5209A. CHARTER RENEWALS. (1) A charter may be renewed for succes-
17 sive terms. An authorizer may grant renewal with specific written condi-
18 tions for necessary improvements to a public charter school and a date by
19 which the conditions must be met.

20 (2) No later than September 1, the authorizer shall issue a public char-
21 ter school performance report and charter renewal application guidance to
22 any charter holder with a public charter school whose charter will expire the
23 following year. The performance report shall summarize the public charter
24 school's performance record to date, based on the performance certificate,
25 and shall provide notice of any weaknesses or concerns that may jeopardize
26 renewal, if not timely rectified. The charter holder shall have thirty (30)
27 days to respond to the performance report and submit any corrections or clar-
28 ifications for the report.

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

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

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

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

38 (5) No later than December 15, the charter holder seeking renewal shall
39 submit a renewal application to the authorizer pursuant to the renewal ap-
40 plication guidance issued by the authorizer. The authorizer shall vote on
41 the renewal application no later than March 15; if the authorizer does not
42 vote by March 15, the application shall be deemed approved.

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

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

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

1 (c) Take into consideration the actual and potential at-risk and
2 economically disadvantaged makeup of the student body population as
3 defined in section 33-1001, Idaho Code, for all grade levels;

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

6 (7) An authorizer shall renew any charter in which the public charter
7 school met all of the terms of its performance certificate at the time of re-
8 newal for a term of twelve (12) years or, in the case of a pilot charter, a
9 renewal term of six (6) years. An authorizer may renew for a six (6) year term
10 or choose not to renew any charter in which the public charter school failed
11 to meet one (1) or more of the terms of its performance certificate.

12 (8) If an authorizer takes no action on a renewal, the charter shall be
13 provisionally renewed until such time as the chartering entity takes action.

14 (9) A decision not to renew a charter or to deny a revision of a char-
15 ter may be appealed to the office of administrative hearings and is subject
16 to judicial review as a contested case as set forth in chapter 52, title 67,
17 Idaho Code.

18 SECTION 27. That Section [33-5209B](#), Idaho Code, be, and the same is
19 hereby repealed.

20 SECTION 28. That Section [33-5209C](#), Idaho Code, be, and the same is
21 hereby repealed.

22 SECTION 29. 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 33-5209C, Idaho Code, and to read as follows:

25 33-5209C. REVOCATION OF A CHARTER. (1) A charter may be revoked by the
26 authorizer if, after fair and specific notice from the authorizer, the pub-
27 lic charter school:

28 (a) Commits a material and substantial violation of any of the terms,
29 conditions, standards, or procedures required by this chapter or the
30 performance certificate;

31 (b) Fails to meet generally accepted standards for fiscal management;
32 or

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

35 (2) Revocation may not occur until the charter holder has been afforded
36 a public hearing, unless the authorizer determines that the continued opera-
37 tion of the public charter school presents an imminent public safety issue,
38 in which case the charter may be revoked immediately. Public hearings shall
39 be conducted by the authorizer or such other person or persons appointed by
40 the authorizer to conduct public hearings and receive evidence as a con-
41 tested case in accordance with the provisions of section 67-5242, Idaho
42 Code. Notice and opportunity to reply shall include, at a minimum, written
43 notice setting out the basis for consideration of revocation, a period of
44 not less than thirty (30) days within which the charter holder can reply in
45 writing, and a public hearing within thirty (30) days of the receipt of the
46 written reply. If a charter holder does not reply by the date set in the

1 notice, a public hearing shall be held no later than sixty (60) days after the
2 date the notice was sent by the authorizing charter entity.

3 (3) If an authorizer revokes a charter, the authorizer in a resolution
4 of its governing body shall clearly state the reasons for the revocation.
5 The authorizer shall take into consideration whether the charter school has
6 been enrolled in the Idaho building capacity program and any progress re-
7 ported by the state department of education.

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

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

17 SECTION 30. That Section [33-5210](#), Idaho Code, be, and the same is hereby
18 repealed.

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

22 33-5210. APPLICATION OF SCHOOL LAW -- EXEMPTION FROM STATE RULES. (1)
23 All public charter schools are under the general supervision of the state
24 board of education.

25 (2) Each public charter school shall comply with the financial report-
26 ing requirements of section 33-701 5. through 10., Idaho Code, in the same
27 manner as those requirements are imposed upon school districts and shall
28 comply with laws governing safety, including but not limited to sections
29 33-122 and 33-130, Idaho Code, and chapter 2, title 33, Idaho Code, and rules
30 promulgated thereunder.

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

34 (a) Teacher certification as necessitated by the provisions of section
35 33-5206, Idaho Code;

36 (b) Accreditation of the school as necessitated by the provisions of
37 section 33-119, Idaho Code;

38 (c) Qualifications of a student for attendance at an alternative school
39 as necessitated by the provisions of section 33-5207, Idaho Code; and

40 (d) Rules promulgated pursuant to section 33-1612, Idaho Code.

41 SECTION 32. That Section [33-5211](#), Idaho Code, be, and the same is hereby
42 repealed.

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

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

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

9 (3) The state department of education shall collaborate with authoriz-
10 ers to enroll charter schools in need of improvement in support and develop-
11 ment programs, including but not limited to the Idaho building capacity pro-
12 gram.

13 SECTION 34. That Section [33-5212](#), Idaho Code, be, and the same is hereby
14 repealed.

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

18 33-5212. SCHOOL CLOSURE AND DISSOLUTION. (1) Authorizers shall have a
19 public charter school closure protocol to ensure timely notification to par-
20 ents, orderly transition of students and student records to new schools, and
21 proper disposition of school funds, property, and assets in accordance with
22 the requirements of this chapter. The protocol shall specify tasks, time-
23 lines, and responsible parties, including delineating the respective duties
24 of the school and the authorizer. In the event of a public charter school
25 closure for any reason, the authorizer shall oversee and work with the clos-
26 ing school to ensure a smooth and orderly closure and transition for students
27 and parents, as guided by the closure protocol. The closing school's charter
28 holder shall be responsible for executing the school's closure.

29 (2) In the event of a public charter school closure, the assets of
30 the school shall be distributed first to satisfy outstanding payroll obli-
31 gations for employees of the school, including any tax, public employee
32 retirement system, and other employee benefit obligations, then to credi-
33 tors of the school, and then to the authorizer in the case of a public charter
34 school authorized by the board of a local school district. In the case of
35 a public charter school authorized by any other authorizer, any remain-
36 ing assets shall be distributed to the public school income fund. Assets
37 purchased using federal funds shall be returned to the authorizer for redis-
38 tribution among other public charter schools. If the assets of the school
39 are insufficient to pay all parties to whom the school owes compensation, the
40 prioritization of the distribution of assets may be determined by decree of a
41 court of law.

42 SECTION 36. That Section [33-5213](#), Idaho Code, be, and the same is hereby
43 repealed.

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

1 33-5213. PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby cre-
2 ated an independent public charter school commission under the state board
3 of education. The commission is hereby authorized to appoint a director who
4 shall serve at the pleasure of the commission and shall receive such salary
5 as fixed by the commission. It shall be the responsibility and duty of the
6 director acting at the direction of the commission to administer and enforce
7 the provisions of this chapter and to foster and support charter schools
8 through effective partnerships with other state agencies. The director
9 shall hire such staff as may be necessary to assist in carrying out the pro-
10 visions of this chapter.

11 (2) The public charter school commission shall adopt policies regard-
12 ing the governance and administration of the commission consistent with leg-
13 islative intent and section 67-5207A, Idaho Code.

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

16 (4) The term of office for commission members shall be four (4) years.
17 In making such appointments, the governor shall consider regional balance
18 without reference to party affiliation. Members appointed to the commis-
19 sion shall collectively possess strong experience and expertise in public
20 and nonprofit governance, management and finance, public school leadership,
21 assessment, curriculum and instruction, and public education law. All mem-
22 bers of the commission shall have demonstrated understanding of and commit-
23 ment to charter schools as a strategy for strengthening public education by
24 providing additional education choices from which parents can choose. Mem-
25 bers of the commission shall hold office until the expiration of the term to
26 which the member was appointed and until a successor has been duly appointed,
27 unless sooner removed for cause by the governor. Whenever a vacancy occurs,
28 the governor shall appoint a qualified person to fill the vacancy for the un-
29 expired portion of the term.

30 (5) All members of the commission shall be citizens of the United States
31 and residents of the state of Idaho for no less than two (2) years.

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

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

37 SECTION 38. That Section [33-5214](#), Idaho Code, be, and the same is hereby
38 repealed.

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

42 33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby cre-
43 ated in the state treasury a fund to be known as the public charter school au-
44 thorizers fund. All authorizer fees paid for public charter schools under
45 the governance of the public charter school commission shall be deposited in
46 this fund and be subject to appropriation.

1 SECTION 40. That Section [33-5215](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 41. That Section 33-1002, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
6 gram is calculated as follows:

7 (1) State Educational Support Funds. Add the state appropriation, in-
8 cluding the moneys available in the public school income fund, together with
9 all miscellaneous revenues to determine the total state funds.

10 (2) From the total state funds subtract the following amounts needed
11 for state support of special programs provided by a school district:

12 (a) Pupil tuition-equivalency allowances as provided in section
13 33-1002B, Idaho Code;

14 (b) Transportation support program as provided in section 33-1006,
15 Idaho Code;

16 (c) Feasibility studies allowance as provided in section 33-1007A,
17 Idaho Code;

18 (d) The approved costs for border district allowance, provided in sec-
19 tion 33-1403, Idaho Code, as determined by the state superintendent of
20 public instruction;

21 (e) The approved costs for exceptional child approved contract al-
22 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
23 determined by the state superintendent of public instruction;

24 (f) Salary-based apportionment calculated as provided in sections
25 33-1004 through 33-1004F, Idaho Code;

26 (g) Unemployment insurance benefit payments according to the provi-
27 sions of section 72-1349A, Idaho Code;

28 (h) For expenditure as provided by the public school technology pro-
29 gram;

30 (i) For employee severance payments as provided in section 33-521,
31 Idaho Code;

32 (j) For distributions to the Idaho digital learning academy as provided
33 in section 33-1020, Idaho Code;

34 (k) For charter school facilities funds and reimbursements paid pur-
35 suant to section ~~33-5208(5)~~ [33-5207](#), Idaho Code;

36 (l) For an online course portal as provided for in section 33-1024,
37 Idaho Code;

38 (m) For advanced opportunities as provided for in chapter 46, title 33,
39 Idaho Code;

40 (n) For additional math and science courses for high school students as
41 provided in section 33-1021, Idaho Code;

42 (o) For master teacher premiums as provided in section 33-1004I, Idaho
43 Code;

44 (p) For the support of provisions that provide a safe environment con-
45 ductive to student learning and maintain classroom discipline, an allo-
46 cation of three hundred dollars (\$300) per support unit;

47 (q) An amount specified in the appropriation bill for the public
48 schools educational support program for counseling support as provided

1 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
2 through 12 as follows:

3 (i) For school districts and public charter schools with one hun-
4 dred (100) or more students enrolled in grades 8 through 12, a pro
5 rata distribution based on students enrolled in grades 8 through
6 12 or eighteen thousand dollars (\$18,000), whichever is greater;

7 (ii) For school districts and public charter schools with fewer
8 than one hundred (100) students enrolled in grades 8 through 12,
9 one hundred eighty dollars (\$180) per student enrolled in grades
10 8 through 12 or nine thousand dollars (\$9,000), whichever is
11 greater;

12 (r) An amount specified in the public schools educational support pro-
13 gram appropriation bill for literacy intervention. The disbursements
14 made to the school districts and public charter schools shall be calcu-
15 lated as follows:

16 (i) Fifty percent (50%) based on average full-time equivalent
17 enrollment of students in kindergarten through grade 3 as of the
18 first Friday in November;

19 (ii) Fifty percent (50%) based on the number of kindergarten
20 through grade 3 students who move a full level or who are profi-
21 cient from the spring-to-spring administration of the statewide
22 reading assessment in the prior fiscal year or, if there is not a
23 prior spring assessment for the student, from fall to spring; and

24 (iii) Funds will be distributed to the school district or pub-
25 lic charter school where the student is enrolled and takes the
26 statewide reading assessment. Any school district or public char-
27 ter school that has greater than one (1) but fewer than five (5)
28 students in kindergarten through grade 3 will receive a minimum of
29 two thousand dollars (\$2,000). Economically disadvantaged stu-
30 dents shall count as one and three quarters (1.75) students for the
31 purpose of calculating the distribution of the funds in subpara-
32 graph (ii) of this paragraph.

33 (s) For mastery-based education as provided for in section 33-1632,
34 Idaho Code;

35 (t) For pay for success contracting as provided in section 33-125B,
36 Idaho Code; and

37 (u) Any additional amounts as required by statute to effect adminis-
38 trative adjustments or as specifically required by the provisions of any
39 bill of appropriation;

40 to secure the total educational support distribution funds.

41 (3) Average Daily Attendance. The total state average daily attendance
42 shall be the sum of the average daily attendance of all of the school dis-
43 tricts of the state. The state board of education shall establish rules set-
44 ting forth the procedure to determine average daily attendance and the time
45 for, and method of, submission of such report. Average daily attendance cal-
46 culation shall be carried out to the nearest hundredth. Computation of av-
47 erage daily attendance shall also be governed by the provisions of section
48 33-1003A, Idaho Code.

49 (4) Support Units. The total state support units shall be determined
50 by using the tables set out hereafter called computation of kindergarten

1 support units, computation of elementary support units, computation of sec-
 2 ondary support units, computation of exceptional education support units,
 3 and computation of alternative school support units. The sum of all of the
 4 total support units of all school districts of the state shall be the total
 5 state support units.

6 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

7	Average Daily		
8	Attendance	Attendance Divisor	Units Allowed
9	41 or more....	40.....	1 or more as computed
10	31 - 40.99 ADA....	-.....	1
11	26 - 30.99 ADA....	-.....	.85
12	21 - 25.99 ADA....	-.....	.75
13	16 - 20.99 ADA....	-.....	.6
14	8 - 15.99 ADA....	-.....	.5
15	1 - 7.99 ADA....	-.....	count as elementary

16 COMPUTATION OF ELEMENTARY SUPPORT UNITS

17	Average Daily		Minimum Units
18	Attendance	Attendance Divisor	Allowed
19	300 or more ADA.....	.....	.. 15
20		..23...grades 4,5 & 6....	
21		..22...grades 1,2 & 3....1994-95	
22		..21...grades 1,2 & 3....1995-96	
23		..20...grades 1,2 & 3....1996-97	
24		and each year thereafter.	
25	160 to 299.99 ADA...	20.....	8.4
26	110 to 159.99 ADA...	19.....	6.8
27	71.1 to 109.99 ADA...	16.....	4.7
28	51.7 to 71.0 ADA...	15.....	4.0
29	33.6 to 51.6 ADA...	13.....	2.8
30	16.6 to 33.5 ADA...	12.....	1.4
31	1.0 to 16.5 ADA...	n/a.....	1.0

32 COMPUTATION OF SECONDARY SUPPORT UNITS

33	Average Daily		Minimum Units
34	Attendance	Attendance Divisor	Allowed
35	750 or more....	18.5.....	47
36	400 - 749.99 ADA....	16.....	28
37	300 - 399.99 ADA....	14.5.....	22
38	200 - 299.99 ADA....	13.5.....	17

1	100 - 199.99 ADA....	12	9
2	99.99 or fewer	Units allowed as follows:	
3	Grades 7 - 12	.....	8
4	Grades 9 - 12	.....	6
5	Grades 7 - 9	.....	1 per 14 ADA
6	Grades 7 - 8	.....	1 per 16 ADA

7 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

8	Average Daily		Minimum Units
9	Attendance	Attendance Divisor	Allowed
10	14 or more....	14.5	1 or more as
11			computed
12	12 - 13.99....	-	1
13	8 - 11.99....	- .....	.75
14	4 - 7.99....	- .....	.5
15	1 - 3.99....	- .....	.25

16 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

17 (Computation of alternative school support units shall include
18 grades 6 through 12)

19	Pupils in Attendance	Attendance Divisor	Minimum Units
20			Allowed
21	12 or more.....	12	1 or more as
22			computed

23 In applying these tables to any given separate attendance unit, no
24 school district shall receive less total money than it would receive if it
25 had a lesser average daily attendance in such separate attendance unit. In
26 applying the kindergarten table to a kindergarten program of fewer days
27 than a full school year, the support unit allowance shall be in ratio to the
28 number of days of a full school year. The attendance of students attending
29 an alternative school in a school district reporting fewer than one hundred
30 (100) secondary students in average daily attendance shall not be assigned
31 to the alternative table if the student is from a school district reporting
32 fewer than one hundred (100) secondary students in average daily attendance,
33 but shall instead be assigned to the secondary table of the school district
34 in which they are attending the alternative school, unless the alternative
35 school in question serves students from multiple districts reporting fewer
36 than one hundred (100) secondary students in average daily attendance. The
37 tables for exceptional education and alternative school support units shall
38 be applicable only for programs approved by the state department of educa-
39 tion following rules established by the state board of education. Moneys
40 generated from computation of support units for alternative schools shall be
41 utilized for alternative school programs. School district administrative

1 and facility costs may be included as part of the alternative school expen-
2 ditures.

3 (5) State Distribution Factor per Support Unit. Divide educational
4 support program distribution funds, after subtracting the amounts necessary
5 to pay the obligations specified in subsection (2) of this section, by the
6 total state support units to secure the state distribution factor per sup-
7 port unit.

8 (6) District Support Units. The number of support units for each school
9 district in the state shall be determined as follows:

10 (a) (i) Divide the actual average daily attendance, excluding stu-
11 dents approved for inclusion in the exceptional child educational
12 program for the administrative schools and each of the separate
13 schools and attendance units, by the appropriate divisor from the
14 tables of support units in this section, then add the quotients
15 to obtain the district's support units allowance for regular stu-
16 dents, kindergarten through grade 12 including alternative school
17 students. Calculations in application of this subsection shall be
18 carried out to the nearest hundredth.

19 (ii) Divide the combined totals of the average daily attendance
20 of all preschool, kindergarten, elementary, secondary, juvenile
21 detention center students and students with disabilities approved
22 for inclusion in the exceptional child program of the district by
23 the appropriate divisor from the table for computation of excep-
24 tional education support units to obtain the number of support
25 units allowed for the district's approved exceptional child pro-
26 gram. Calculations for this subsection shall be carried out to the
27 nearest hundredth when more than one (1) unit is allowed.

28 (iii) The total number of support units of the district shall be
29 the sum of the total support units for regular students, subpara-
30 graph (i) of this paragraph, and the support units allowance for
31 the approved exceptional child program, subparagraph (ii) of this
32 paragraph.

33 (b) Total District Allowance Educational Program. Multiply the dis-
34 trict's total number of support units, carried out to the nearest hun-
35 dredth, by the state distribution factor per support unit and to this
36 product add the approved amount of programs of the district provided in
37 subsection (2) of this section to secure the district's total allowance
38 for the educational support program.

39 (c) District Share. The district's share of state apportionment is the
40 amount of the total district allowance, paragraph (b) of this subsec-
41 tion.

42 (d) Adjustment of District Share. The contract salary of every noncer-
43 tificated teacher shall be subtracted from the district's share as cal-
44 culated from the provisions of paragraph (c) of this subsection.

45 (7) Property Tax Computation Ratio. In order to receive state funds
46 pursuant to this section, a charter district shall utilize a school mainte-
47 nance and operation property tax computation ratio for the purpose of calcu-
48 lating its maintenance and operation levy that is no greater than that which
49 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
50 herein, the term "property tax computation ratio" shall mean a ratio deter-

1 mined by dividing the district's certified property tax maintenance and op-
2 eration budget by the actual or adjusted market value for assessment pur-
3 poses as such values existed on December 31, 1993. Such maintenance and op-
4 eration levy shall be based on the property tax computation ratio multiplied
5 by the actual or adjusted market value for assessment purposes as such values
6 existed on December 31 of the prior calendar year.

7 SECTION 42. That Section 33-1009, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

10 1. a. Payments of the state general account appropriation for public
11 school support shall be made each year by the state department of edu-
12 cation to the public school districts of the state in four (4) payments.
13 Payments to the districts shall be made not later than the fifteenth day
14 of August, the fifteenth day of November, the fifteenth day of February,
15 and the fifteenth day of May each year. The first payment by the state
16 department of education shall be approximately fifty percent (50%) of
17 the total general account appropriation for the fiscal year, while the
18 second and third payments shall be approximately twenty percent (20%)
19 each, and the fourth payment approximately ten percent (10%) respec-
20 tively, except as provided for in section ~~33-5209C~~ 33-5207, Idaho Code.
21 Amounts apportioned due to a special transfer to the public school in-
22 come fund to restore or reduce a deficiency in the prior year's transfer
23 pursuant to subsection 4. of this section shall not be subject to this
24 limitation.

25 b. Payments of moneys, other than the state general account appropria-
26 tion, that accrue to the public school income fund shall be made by the
27 state department of education to the school districts of the state on
28 the fifteenth day of November, February, May and July each year. The
29 total amount of such payments shall be determined by the state depart-
30 ment of education and shall not exceed the amount of moneys available
31 and on deposit in the public school income fund at the time such payment
32 is made.

33 c. Amounts apportioned due to a special transfer to the public school
34 income fund to restore or reduce a deficiency in the prior year's trans-
35 fer pursuant to subsection 4. of this section shall not be subject to
36 the limitation imposed by paragraphs a. and b. of this subsection.

37 2. Payments made to the school districts in August and November are ad-
38 vance payments for the current year and may be based upon payments from the
39 public school income fund for the preceding school year. Each school dis-
40 trict may receive its proportionate share of the advance payments in the same
41 ratio that its total payment for the preceding year was to the total payments
42 to all school districts for the preceding year.

43 3. No later than the fifteenth day of February in each year, the state
44 department of education shall compute the state distribution factor based on
45 the total average daily attendance through the first Friday in November. The
46 factor will be used in payments of state funds in February and May. Atten-
47 dance shall be reported in a format and at a time specified by the state de-
48 partment of education.

1 As of the thirtieth day of June of each year the state department of edu-
2 cation shall determine final payments to be made on July fifteenth next suc-
3 ceeding to the several school districts from the public school income fund
4 for the school year ended June 30. The July payments shall take into consid-
5 eration:

6 a. The average daily attendance of the several school districts for the
7 twenty-eight (28) best weeks of the school year completed not later than
8 the thirtieth of June;

9 b. All funds available in the public school income fund for the fiscal
10 year ending on the thirtieth of June;

11 c. All payments distributed for the current fiscal year to the several
12 school districts;

13 d. The adjustment based on the actual amount of discretionary funds per
14 support unit required by the provisions of section 33-1018, Idaho Code;

15 e. Payments made or due for the transportation support program and the
16 exceptional education support program. The state department of educa-
17 tion shall apportion and direct the payment to the several school dis-
18 tricts the moneys in the public school income fund in each year, taking
19 into account the advance made under subsection 2. of this section, in
20 such amounts as will provide in full for each district its support pro-
21 gram, and not more than therefor required, and no school district shall
22 receive less than fifty dollars (\$50.00).

23 4. If the full amount appropriated to the public school income fund
24 from the general account by the legislature is not transferred to the public
25 school income fund by the end of the fiscal year, the deficiency resulting
26 therefrom shall either be restored or reduced through a special trans-
27 fer from the general account in the first sixty (60) days of the following
28 fiscal year, or shall be calculated in computing district levies, and any
29 additional levy shall be certified by the state superintendent of public
30 instruction to the board of county commissioners and added to the district's
31 maintenance and operation levy. If the deficiency is restored or reduced
32 by special transfer, the amount so transferred shall be in addition to the
33 amount appropriated to be transferred in such following fiscal year and
34 shall be apportioned to each school district in the same amount as each would
35 have received had the transfer been made in the year the deficiency occurred.
36 The state department of education shall distribute to the school district
37 the full amount of the special transfer as soon as practical after such
38 transfer is made. In making the levy computations required by this subsec-
39 tion the state department of education shall take into account and consider
40 the full amount of money receipted into the public school income fund from
41 all sources for the given fiscal year. Deficits in the transfer of the ap-
42 propriated amount of general account revenue to the public school income
43 fund shall be reduced by the amount, if any, that the total amount receipted
44 from other sources into the public school income fund exceeds the official
45 estimated amount from those sources. The official estimate of receipts from
46 other sources shall be the total amount stated by the legislature in the ap-
47 propriation bill. The provisions of this subsection shall not apply to any
48 transfers to or from the public education stabilization fund.

49 5. Any apportionments in any year, made to any school district, which
50 may within the succeeding three (3) year period be found to have been in error

1 either of computation or transmittal, may be corrected during the three (3)
 2 year period by reduction of apportionments to any school district to which
 3 over-apportionments may have been made or received, and corresponding ad-
 4 ditions to apportionments to any school district to which under-apportion-
 5 ments may have been made or received.

6 SECTION 43. That Section 33-1612, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 33-1612. THOROUGH SYSTEM OF PUBLIC SCHOOLS. (1) As used in this sec-
 9 tion:

10 (a) "Blended or hybrid instruction" means instruction through both
 11 in-person and virtual instruction.

12 (b) "In-person instruction" means instruction in the physical presence
 13 of an individual employed by an Idaho local education agency.

14 (c) "Virtual instruction" means synchronous or asynchronous in-
 15 struction primarily through the use of technology pursuant to section
 16 ~~33-5202A(11), Idaho Code~~ via the internet in a distributed environment.

17 (2) The constitution of the state of Idaho, section 1, article IX,
 18 charges the legislature with the duty to establish and maintain a general,
 19 uniform, and thorough system of public, free common schools. In fulfill-
 20 ment of this duty, the people of the state of Idaho have long enjoyed the
 21 benefits of a public school system, supported by the legislature, which has
 22 recognized the value of education to the children of this state. In contin-
 23 uing recognition of the fundamental duty established by the constitution,
 24 the legislature finds it in the public interest to define thoroughness and
 25 thereby establish the basic assumptions that govern provision of a thorough
 26 system of public schools. A thorough system of public schools in Idaho is one
 27 in which:

28 (a) A safe environment conducive to learning is provided;

29 (b) Educators are empowered to maintain classroom discipline;

30 (c) The basic values of honesty, self-discipline, unselfishness, re-
 31 spect for authority, and the central importance of work are emphasized;

32 (d) The skills necessary to communicate effectively are taught;

33 (e) A basic curriculum necessary to enable students to enter academic
 34 or career technical postsecondary educational programs is provided;

35 (f) Students acquire the knowledge and skills necessary for meeting
 36 challenging academic achievement standards and succeeding in the work-
 37 force and in life;

38 (g) The students are introduced to current technology;

39 (h) The importance of students acquiring the skills to enable them to be
 40 responsible citizens of their homes, schools, and communities is empha-
 41 sized;

42 (i) Students have the right to an uninterrupted education that covers
 43 all disciplines, including music, the arts, and physical education if
 44 such courses are offered by the local education agency;

45 (j) During a period of state or local emergency, if a school district
 46 or public charter school has to change from in-person instruction at a
 47 school facility to virtual instruction or blended or hybrid instruc-
 48 tion, then, to the greatest extent possible and where safety require-

1 ments can be developed by the school district or public charter school,
 2 an in-person instruction option will be made available to students; and
 3 (k) Student progress is monitored and measured in all required courses
 4 of instruction.

5 (3) The state board shall adopt rules, pursuant to the provisions of
 6 chapter 52, title 67, Idaho Code, and section 33-105(3), Idaho Code, to es-
 7 tablish a thorough system of public schools with uniformity as required by
 8 the constitution, but shall not otherwise impinge upon the authority of the
 9 board of trustees of the school districts. Authority to govern the school
 10 district, vested in the board of trustees of the school district, not del-
 11 egated to the state board, is reserved to the board of trustees. Fulfill-
 12 ment of the expectations of a thorough system of public schools will continue
 13 to depend upon the vigilance of district patrons, the dedication of school
 14 trustees and educators, the responsiveness of state rules, and meaningful
 15 oversight by the legislature.

16 SECTION 44. That Section 33-1619, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 33-1619. VIRTUAL EDUCATION PROGRAMS. School districts may offer in-
 19 struction ~~in the manner described for a virtual school in section 33-5202A,~~
 20 ~~Idaho Code via the internet in a distributed environment.~~ For programs
 21 meeting such definition, the school district may count and report the aver-
 22 age daily attendance of the program's students in the manner prescribed in
 23 section ~~33-5208(10)~~ 33-5207, Idaho Code. School districts may also offer
 24 instruction that is a blend of virtual and traditional instruction. For
 25 such blended programs, the school district may count and report the average
 26 daily attendance of the program's students in the manner prescribed in sec-
 27 tion ~~33-5208(10)~~ 33-5207, Idaho Code. Alternatively, the school district
 28 may count and report the average daily attendance of the blended program's
 29 students in the same manner as provided for traditional programs of in-
 30 struction, for the days or portions of days in which such students attend
 31 a physical public school. For the balance of days or portions of days, av-
 32 erage daily attendance may be counted in the manner prescribed in section
 33 ~~33-5208(10)~~ 33-5207, Idaho Code.

34 SECTION 45. That Section 33-3407, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 33-3407. GOVERNMENTAL ENTITY -- LIABILITY -- INSURANCE. (1) The Idaho
 37 bureau of educational services for the deaf and the blind, as provided for in
 38 this chapter, is not a single department of state government unto itself, nor
 39 is it a part of any of the twenty (20) departments of state government autho-
 40 rized by section 20, article IV, of the constitution of the state of Idaho,
 41 or of the departments provided for in section 67-2402, Idaho Code. It is leg-
 42 islative intent that the Idaho bureau of educational services for the deaf
 43 and the blind operate and be recognized not as a state agency or department,
 44 but as a governmental entity whose creation has been authorized by the state,
 45 much in the manner as other single purpose districts. For the purposes of
 46 section 59-1302(15), Idaho Code, the Idaho bureau of educational services
 47 for the deaf and the blind created pursuant to this chapter shall be deemed a

1 governmental entity. Pursuant to the provisions of section 63-36220, Idaho
2 Code, sales to or purchases by the Idaho bureau of educational services for
3 the deaf and the blind are exempt from payment of the sales and use tax. The
4 Idaho bureau of educational services for the deaf and the blind, its employ-
5 ees and its board of directors are subject to the following provisions in
6 the same manner as a traditional public school and the board of trustees of
7 a school district:

8 (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and cor-
9 rupt influence, except as provided by section ~~33-5204A(2)~~ 74-405, Idaho
10 Code;

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

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

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

15 (e) Chapter 1, title 74, Idaho Code, on disclosure of public records.

16 (2) The Idaho bureau of educational services for the deaf and the blind,
17 its employees and its board of directors are subject to the following provi-
18 sions:

19 (a) Section 33-1216, Idaho Code, on sick and other leave, or the laws,
20 rules and policies of the state of Idaho for sick and other leave as
21 provided for in chapter 53, title 67, Idaho Code, as determined by the
22 board;

23 (b) Section 33-1217, Idaho Code, on accumulation of unused sick leave,
24 or the laws, rules and policies of the state of Idaho for accumulation
25 of unused sick leave as provided for in section 67-5333, Idaho Code, as
26 determined by the board;

27 (c) Section 33-1218, Idaho Code, on sick leave in excess of statutory
28 minimum amounts, or the laws, rules and policies of the state of Idaho
29 for sick leave in excess of statutory minimum amounts as provided for in
30 section 67-5333, Idaho Code, as determined by the board; and

31 (d) Section 33-1228, Idaho Code, on severance allowance at retirement,
32 or the laws, rules and policies of the state of Idaho for severance al-
33 lowance at retirement as provided for in section 67-5333, Idaho Code, as
34 determined by the board.

35 (3) The Idaho bureau of educational services for the deaf and the blind
36 may sue or be sued, purchase, receive, hold and convey real and personal
37 property for school purposes, and its employees, directors and officers
38 shall enjoy the same immunities as employees, directors and officers of tra-
39 ditional public school districts and other public schools, including those
40 provided by chapter 9, title 6, Idaho Code.

41 (4) The Idaho bureau of educational services for the deaf and the blind
42 shall be considered a state department for purposes of risk management and
43 group insurance pursuant to chapter 57, title 67, Idaho Code, and the depart-
44 ment of administration shall treat the bureau as such.

45 (5) It shall be unlawful for:

46 (a) Any director to have pecuniary interest directly or indirectly
47 in any contract or other transaction pertaining to the maintenance or
48 conduct of the Idaho bureau of educational services for the deaf and the
49 blind, or to accept any reward or compensation for services rendered as
50 a director except as may be otherwise provided in this subsection. The

1 board of directors of the Idaho bureau of educational services for the
2 deaf and the blind may accept and award contracts involving the Idaho
3 bureau of educational services for the deaf and the blind to businesses
4 in which the director or a person related to him by blood or marriage
5 within the second degree of consanguinity has a direct or indirect
6 interest, provided that the procedures set forth in section 18-1361
7 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or
8 acceptance of moneys of the Idaho bureau of educational services for
9 the deaf and the blind for deposit in any bank or trust company, or the
10 lending of moneys by any bank or trust company to the Idaho bureau of ed-
11 ucational services for the deaf and the blind, shall not be deemed to be
12 a contract pertaining to the maintenance or conduct of the Idaho bureau
13 of educational services for the deaf and the blind within the meaning of
14 this section; nor shall the payment of compensation by the Idaho bureau
15 of educational services for the deaf and the blind board of directors
16 to any bank or trust company for services rendered in the transaction
17 of any banking business with the Idaho bureau of educational services
18 for the deaf and the blind board of directors be deemed the payment of
19 any reward or compensation to any officer or director of any such bank or
20 trust company within the meaning of this section.

21 (b) The board of directors of the Idaho bureau of educational services
22 for the deaf and the blind to enter into or execute any contract with the
23 spouse of any member of such board, the terms of which said contract re-
24 quire, or shall require, the payment or delivery of any Idaho bureau of
25 educational services for the deaf and the blind funds, moneys or prop-
26 erty to such spouse, except as provided in section 18-1361 or 18-1361A,
27 Idaho Code.

28 (6) When any relative of any director, or relative of the spouse of a
29 director related by affinity or consanguinity within the second degree, is
30 to be considered for employment in the Idaho bureau of educational services
31 for the deaf and the blind, such director shall abstain from voting in the
32 election of such relative, and shall be absent from the meeting while such
33 employment is being considered and determined.

34 SECTION 46. That Section 33-5504A, Idaho Code, be, and the same is
35 hereby amended to read as follows:

36 33-5504A. GOVERNMENTAL ENTITY. (1) The Idaho digital learning acad-
37 emy shall be a governmental entity as provided in section 33-5502, Idaho
38 Code. For the purposes of section 59-1302(15), Idaho Code, the Idaho digital
39 learning academy created pursuant to this chapter shall be deemed a govern-
40 mental entity. Pursuant to the provisions of section 63-36220, Idaho Code,
41 sales to or purchases by the Idaho digital learning academy are exempt from
42 payment of the sales and use tax. The Idaho digital learning academy, its
43 employees and its board of directors are subject to the following provisions
44 in the same manner as a traditional public school and the board of trustees
45 of a school district:

46 (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and cor-
47 rupt influence, except as provided by section ~~33-5204A(2)~~ 74-405, Idaho
48 Code;

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

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

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

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

6 (f) Section 33-1216, Idaho Code, on sick and other leave;

7 (g) Section 33-1217, Idaho Code, on accumulation of unused sick leave;

8 (h) Section 33-1218, Idaho Code, on sick leave in excess of statutory
9 minimum amounts; and

10 (i) Section 33-1228, Idaho Code, on severance allowance at retirement.

11 (2) The Idaho digital learning academy may sue or be sued, purchase, re-
12 ceive, hold and convey real and personal property for school purposes, and
13 its employees, directors and officers shall enjoy the same immunities as em-
14 ployees, directors and officers of traditional public school districts and
15 other public schools, including those provided by chapter 9, title 6, Idaho
16 Code.

17 (3) The Idaho digital learning academy shall secure insurance for lia-
18 bility and property loss.

19 (4) It shall be unlawful for:

20 (a) Any director to have pecuniary interest directly or indirectly in
21 any contract or other transaction pertaining to the maintenance or con-
22 duct of the Idaho digital learning academy, or to accept any reward or
23 compensation for services rendered as a director except as may be oth-
24 erwise provided in this subsection (4). The board of directors of the
25 Idaho digital learning academy may accept and award contracts involving
26 the Idaho digital learning academy to businesses in which the director
27 or a person related to him by blood or marriage within the second degree
28 of consanguinity has a direct or indirect interest, provided that the
29 procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are
30 followed. The receiving, soliciting or acceptance of moneys of the
31 Idaho digital learning academy for deposit in any bank or trust company,
32 or the lending of moneys by any bank or trust company to the Idaho digi-
33 tal learning academy, shall not be deemed to be a contract pertaining to
34 the maintenance or conduct of the Idaho digital learning academy within
35 the meaning of this section; nor shall the payment of compensation by
36 the Idaho digital learning academy board of directors to any bank or
37 trust company for services rendered in the transaction of any banking
38 business with the Idaho digital learning academy board of directors
39 be deemed the payment of any reward or compensation to any officer or
40 director of any such bank or trust company within the meaning of this
41 section.

42 (b) The board of directors of the Idaho digital learning academy to en-
43 ter into or execute any contract with the spouse of any member of such
44 board, the terms of which said contract require, or will require, the
45 payment or delivery of any Idaho digital learning academy funds, mon-
46 eys or property to such spouse, except as provided in section 18-1361 or
47 18-1361A, Idaho Code.

48 (5) When any relative of any director, or relative of the spouse of a di-
49 rector related by affinity or consanguinity within the second degree, is to
50 be considered for employment in the Idaho digital learning academy, such di-

1 rector shall abstain from voting in the election of such relative, and shall
2 be absent from the meeting while such employment is being considered and de-
3 termined.

4 SECTION 47. The rules contained in IDAPA 08.02.04, relating to Rules
5 Governing Public Charter Schools, shall be null, void, and of no force and
6 effect on and after the effective date of this act.

7 SECTION 48. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after its
9 passage and approval.