

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 258

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5209B, IDAHO CODE, TO REMOVE LANGUAGE REGARDING THE LENGTH OF A CHARTER SCHOOL'S INITIAL TERM, TO PROVIDE A CERTIFICATION EXEMPTION FOR CERTAIN PUBLIC CHARTER SCHOOL TEACHERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR COMPENSATION AND TO PROVIDE FOR TREATMENT IN THE EVENT OF AN ETHICS VIOLATION.

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

SECTION 1. That Section 33-5209B, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209B. CHARTER RENEWALS. (1) A charter may be renewed for successive five (5) year terms of duration. An authorized chartering entity may grant renewal with specific, written conditions for necessary improvements to a public charter school. Any such specific, written conditions shall state the date by which the conditions must be met.

(2) Following the initial ~~three (3) year~~ term, an authorized chartering entity may nonrenew or grant renewal for an additional five (5) years, based upon the performance of the public charter school on the performance indicators, measures and metrics contained in the performance certificate. Subsequent renewals shall be for a term of five (5) years.

(3) No later than November 15, the authorized chartering entity shall issue a public charter school performance report and charter renewal application guidance to any charter holder with a public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based upon the data required by this chapter and the performance certificate, and shall provide notice of any weaknesses or concerns determined by the authorized chartering entity concerning the public charter school that may jeopardize its position in seeking renewal, if not timely rectified. The charter holder shall have thirty (30) days to respond to the performance report and submit any corrections or clarifications for the report.

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

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal; and
- (b) Describe improvements undertaken or planned for the school.

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

(6) No later than December 15, the charter holder seeking renewal shall submit a renewal application to the authorized chartering entity pursuant to the renewal application guidance issued by the authorized chartering en-

1 tity. The authorized chartering entity shall vote on the renewal applica-
2 tion no later than March 15.

3 (7) In making charter renewal decisions, every authorized chartering
4 entity shall:

5 (a) Ground its decisions in evidence of the school's performance over
6 the term of the performance certificate in accordance with the perfor-
7 mance framework set forth in the performance certificate;

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

10 (c) Provide a public report summarizing the evidence basis for each de-
11 cision.

12 (8) An authorized chartering entity must develop revocation and nonre-
13 newal processes that:

14 (a) Provide the charter holders with a timely notification of the
15 prospect of revocation or nonrenewal and of the reasons for such possi-
16 ble closure, which shall be limited to failure to meet the terms of the
17 performance certificate or the written conditions established pursuant
18 to the provisions of subsection (1) of this section;

19 (b) Allow the charter holders a reasonable amount of time in which to
20 prepare a response;

21 (c) Provide the charter holders with an opportunity to submit documents
22 and give testimony challenging the rationale for closure and in support
23 of the continuation of the school at an orderly proceeding held for that
24 purpose;

25 (d) Allow the charter holders to be represented by counsel and to call
26 witnesses on their behalf;

27 (e) Permit the recording of such proceedings; and

28 (f) After a reasonable period for deliberation, require a final deter-
29 mination to be made and conveyed in writing to the charter holders.

30 (9) An authorized chartering entity shall renew any charter in which
31 the public charter school met all of the terms of its performance certificate
32 at the time of renewal. An authorized chartering entity may renew or nonre-
33 new any charter in which the public charter school failed to meet one (1) or
34 more of the terms of its performance certificate.

35 (10) As long as a public charter school satisfies one (1) of the follow-
36 ing criteria, it shall qualify for the earned exemption provided in subsec-
37 tion (11) of this section:

38 (a) The school is renewed without conditions and has met the perfor-
39 mance indicators, measures and metrics contained in the performance
40 certificate; or

41 (b) The school is rated in the top twenty percent (20%) of all Idaho pub-
42 lic schools by the state's accountability system in student growth or
43 proficiency for a minimum of four (4) years during the preceding five
44 (5) year term.

45 (11) Notwithstanding the provisions of section 33-5206(4), Idaho Code,
46 a school that qualifies under subsection (10) of this section may choose to
47 be exempt from teacher certification requirements, as long as the teacher
48 satisfies one (1) of the following criteria:

49 (a) Has a baccalaureate or post-graduate degree in the subject in which
50 he or she is teaching;

1 (b) Worked for a minimum of ten (10) of the preceding fifteen (15) years
2 in a professional capacity related to the subject matter in which he or
3 she is teaching; or

4 (c) Qualifies to teach the subject in an Idaho public institution of
5 higher education.

6 Notwithstanding the provisions of section 33-1201, Idaho Code, teachers who
7 meet one (1) of the criteria in this subsection will be considered instruc-
8 tional staff for the purposes of chapter 10, title 33, Idaho Code, and will be
9 placed on the first cell of the residency compensation rung, pursuant to sec-
10 tion 33-1004B, Idaho Code, for as long as such teachers remain uncertified.
11 In the event of an ethics violation pursuant to section 33-5204A, Idaho Code,
12 the teacher shall be subject to disciplinary action determined by the board
13 of directors.