

IN THE SENATE

SENATE BILL NO. 1361

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-510, IDAHO CODE, TO REQUIRE
2 SCHOOL DISTRICT BOARDS OF TRUSTEES TO ADOPT CERTAIN RULES OF PROCEDURE
3 FOR BOARD MEETINGS; AMENDING SECTION 33-5206, IDAHO CODE, TO REQUIRE
4 PUBLIC CHARTER SCHOOLS TO COMPLY WITH CERTAIN CODE PROVISIONS REGARDING
5 BOARD OF TRUSTEES MEETINGS; AND DECLARING AN EMERGENCY AND PROVIDING AN
6 EFFECTIVE DATE.
7

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

9 SECTION 1. That Section 33-510, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1)
12 The annual meeting of each school district shall be on the date of its regu-
13 lar January meeting in each year. Notice of the annual meeting of elementary
14 school districts shall be given as provided in section 33-402, Idaho Code,
15 but one (1) publication shall suffice.

16 (2) Regular meetings of each board of school district trustees shall
17 be held monthly, on a uniform day of a uniform week as determined at the an-
18 nual meeting. Special meetings may be called by the chairman or by any two
19 (2) members of the board and held at any time. If the time and place of spe-
20 cial meetings shall not have been determined at a meeting of the board with
21 all members being present, then notice of the time and place shall be given
22 to each member and announced by written notice conspicuously posted at the
23 school district office and at least two (2) or more public buildings within
24 the school district not less than twenty-four (24) hours before such special
25 meeting is to be convened.

26 (3) A quorum for the transaction of business of the board of trustees
27 shall consist of a majority of the members of the board. Unless otherwise
28 provided by law, all questions shall be determined by a majority of the vote
29 cast. The chairman of the board may vote in all cases.

30 (4) Each board of trustees shall:
31 (a) Adopt rules of order and procedure to govern its regular meetings;
32 (b) Conduct its regular meetings in accordance with the rules of order
33 and procedure as adopted pursuant to paragraph (a) of this subsection;
34 and
35 (c) Make the rules of order and procedure pursuant to paragraph (a)
36 of this subsection available to the public at each regular meeting of
37 the board of trustees and on the local school district's and board of
38 trustees' website, if available.

39 (5) Each board of trustees shall provide the opportunity for members of
40 the public residing in the school district to comment on school and education
41 matters at regular meetings of the board of trustees. Each board of trustees
42 shall hear public comment, if offered by a member of the public, prior to

1 taking action on an agenda item. Public comment shall be limited to items
 2 listed on the meeting agenda. Nothing in this subsection restricts a board
 3 of trustees from establishing reasonable standards for the public comment
 4 period of the meeting, including time limits and conduct standards.

5 (6) Any public comment related to subject matter that would authorize
 6 the board of trustees to enter an executive session pursuant to section
 7 74-206(1), Idaho Code, shall not be permitted.

8 (7) Members of the public residing in the school district shall be per-
 9 mitted to request the addition of an item directly related to school district
 10 business to the agenda of a regular meeting of the board of trustees. The de-
 11 cision to add an item to the agenda of a regular board meeting shall be made
 12 pursuant to the rules of order and procedure as adopted pursuant to subsec-
 13 tion (4) (a) of this section.

14 ~~(4) (8)~~ All meetings shall conform to the provisions of chapter 2, title
 15 74, Idaho Code.

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

18 33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER
 19 SCHOOL. (1) In addition to any other requirements imposed in this chapter, a
 20 public charter school shall be nonsectarian in its programs, affiliations,
 21 admission policies, employment practices, and all other operations, shall
 22 not charge tuition, levy taxes or issue bonds, and shall not discriminate
 23 against any student on any basis prohibited by the federal or state constitu-
 24 tion or any federal, state or local law. Public charter schools shall comply
 25 with the federal individuals with disabilities education act. Admission to
 26 a public charter school shall not be determined according to the place of
 27 residence of the student, or of the student's parent or guardian within the
 28 district, except that a new replication or conversion public charter school
 29 established under the provisions of this chapter shall adopt and maintain a
 30 policy giving admission preference to students who reside within the con-
 31 tiguous and compact primary attendance area of that public charter school.

32 (2) No board of trustees shall require any employee of the school dis-
 33 trict to be involuntarily assigned to work in a public charter school.

34 (3) Certified teachers in a public charter school shall be considered
 35 public school teachers. Educational experience shall accrue for service in
 36 a public charter school and such experience shall be counted by any school
 37 district for any teacher who has been employed in a public charter school.
 38 The staff of the public charter school shall be considered a separate unit
 39 for the purposes of collective bargaining.

40 (4) Employment of charter school teachers and administrators shall be
 41 on written contract conditioned upon a valid certificate being held by such
 42 professional personnel at the time of entering upon the duties thereunder.

43 (5) Administrators may be certified pursuant to the requirements set
 44 forth in chapter 12, title 33, Idaho Code, pertaining to traditional public
 45 schools, or may hold a charter school administrator certificate. An appli-
 46 cant is eligible for a charter school administrator certificate if the ap-
 47 plicant:

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

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

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

6 (d) Submits a letter from a charter school board of directors stating
7 that the board of directors has carefully considered the applicant's
8 candidacy, has chosen to hire the applicant, and is committed to over-
9 seeing the applicant's performance; and

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

11 (i) Five (5) or more years of experience administering a public
12 charter school;

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

16 (iii) Successful completion of a nationally recognized charter
17 school leaders fellowship; or

18 (iv) Five (5) or more years of teaching experience and a commit-
19 ment from an administrator at a charter school in academic, opera-
20 tional, and financial good standing according to its authorizer's
21 most recent review to mentor the applicant for a minimum of one (1)
22 year.

23 A charter school administrator certificate shall be valid for five (5) years
24 and renewable thereafter. Administrators shall be subject to oversight
25 by the professional standards commission. Certificates may be revoked
26 pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a
27 certificate to any applicant may be refused for such reason as would have
28 constituted grounds for revocation.

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

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

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

39 (ii) If instructing students in the fields of career technical ed-
40 ucation, satisfy the provisions of section 33-2205(6) (a), Idaho
41 Code.

42 (b) Teachers with a charter school-specific teaching certificate shall
43 receive mentoring and professional development as approved by the char-
44 ter school board of directors. The charter school board of directors
45 may impose additional requirements.

46 (c) The state board of education shall issue charter school-specific
47 teaching certificates to teachers upon recommendation of the individ-
48 ual charter school, unless denied on the grounds set forth in section
49 33-1208, Idaho Code.

1 (d) Charter school-specific teaching certificates shall not be trans-
2 ferable to a traditional public school district, but may be transfer-
3 able to another public charter school at the election of the subsequent
4 public charter school.

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

11 (7) No board of trustees shall require any student enrolled in the
12 school district to attend a public charter school.

13 (8) Authorized chartering entities may establish reasonable pre-open-
14 ing requirements or conditions to monitor the start-up progress of newly
15 approved public charter schools and ensure that they are prepared to open
16 smoothly on the date agreed, and to ensure that each school meets all build-
17 ing, health, safety, insurance and other legal requirements for school
18 opening.

19 (9) Each public charter school shall annually submit the audit of its
20 fiscal operations to the authorized chartering entity.

21 (10) A public charter school or the authorized chartering entity may
22 enter into negotiations to revise a charter or performance certificate at
23 any time. If a public charter school petitions to revise its charter or
24 performance certificate, the authorized chartering entity's review of the
25 revised petition shall be limited in scope solely to the proposed revisions.
26 Except for public charter schools authorized by a school district board of
27 trustees, when a non-virtual public charter school submits a proposed char-
28 ter revision to its authorized chartering entity and such revision includes
29 a proposal to increase such public charter school's approved student enroll-
30 ment cap by ten percent (10%) or more, the authorized chartering entity shall
31 hold a public hearing on such petition. The authorized chartering entity
32 shall provide the board of the local school district in which the public
33 charter school is physically located notice in writing of such hearing no
34 later than thirty (30) days prior to the hearing. The public hearing shall
35 include any oral or written comments that an authorized representative of
36 the school district in which the public charter school is physically located
37 may provide regarding the impact of the proposed charter revision upon the
38 school district. Such public hearing shall also include any oral or written
39 comments that any petitioner may provide regarding the impact of the pro-
40 posed charter revision upon such school district.

41 (11) When a charter is nonrenewed pursuant to the provisions of section
42 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or
43 the board of directors of the public charter school terminates the charter,
44 the assets of the public charter school remaining after all debts of the pub-
45 lic charter school have been satisfied must be returned to the authorized
46 chartering entity for distribution in accordance with applicable law.

47 (12) Public charter schools may contract with educational services
48 providers subject to the following provisions:

49 (a) Educational services providers, whether for-profit or nonprofit,
50 shall be third-party entities separate from the public charter schools

1 with which they contract. Educational services providers shall not be
2 considered governmental entities.

3 (b) No more than one-third (1/3) of the public charter school's board
4 membership may be comprised of nonprofit educational services provider
5 representatives. Nonprofit educational services provider repre-
6 sentatives may not be employees of the public charter school or the
7 educational services provider and may not hold office as president or
8 treasurer on the public charter school's board. For-profit educational
9 services providers may not have representatives on the public charter
10 school's board of directors.

11 (c) Public charter school board of director members shall annually dis-
12 close any existing and potential conflicts of interest, pecuniary or
13 otherwise, with affiliated educational services providers.

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

17 (e) Contracts must ensure that school boards retain the right to termi-
18 nate the contract for failure to meet defined performance standards.

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

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

31 (h) Charter holders must ensure that their facility contracts are sepa-
32 rate from any and all management contracts.

33 (i) Prior to approval of the charter petition indicating the school
34 board's intention to contract with an educational services provider,
35 authorized chartering entities shall conduct a thorough evaluation of
36 the academic, financial and organizational outcomes of other schools
37 that have contracted with the educational services provider and evi-
38 dence of the educational services provider's capacity to successfully
39 grow the public charter school while maintaining quality management and
40 instruction in existing schools.

41 (j) A virtual school shall be deemed financially sufficient if there is
42 an agreement that requires an education service provider to assume the
43 virtual school's financial risk when it does not have sufficient resid-
44 ual funds to pay the education service provider. Where this paragraph
45 is applicable, the education service provider shall make its audited
46 financial statements available unless the education service provider
47 already makes such audited financial statements publicly available for
48 compliance with other federal or state laws.

49 (13) Admission procedures, including provision for overenrollment,
50 shall provide that the initial admission procedures for a new public charter

1 school or replication public charter school will be determined by lottery or
2 other random method, except as otherwise provided herein.

3 (a) If initial capacity is insufficient to enroll all pupils who submit
4 a timely application, then the admission procedures may provide that
5 preference shall be given in the following order: first, to children
6 of founders, provided that this admission preference shall be limited
7 to not more than ten percent (10%) of the capacity of the public charter
8 school; second, to siblings of pupils already selected by the lottery
9 or other random method; third, to pupils seeking to transfer from an-
10 other Idaho public charter school at which they have been enrolled for
11 at least one (1) year, provided that this admission preference shall be
12 subject to an existing written agreement for such preference between
13 the subject charter schools; fourth, to students residing within the
14 primary attendance area of the public charter school; and fifth, by an
15 equitable selection process such as a lottery or other random method.
16 If so stated in its petition, a public charter school may weight the
17 school's lottery to preference admission for the following education-
18 ally disadvantaged students: students living at or below one hundred
19 eighty-five percent (185%) of the federal poverty level, students who
20 are homeless or in foster care, children with disabilities as defined
21 in section 33-2001, Idaho Code, students with limited English profi-
22 ciency, and students who are at-risk as defined in section 33-1001,
23 Idaho Code. If so stated in its petition, a new public charter school or
24 replication public charter school may include the children of full-time
25 employees of the public charter school within the first priority group
26 subject to the limitations therein. Otherwise, such children shall be
27 included in the highest priority group for which they would otherwise be
28 eligible.

29 (b) If capacity is insufficient to enroll all pupils who submit a timely
30 application for subsequent school terms, then the admission procedures
31 may provide that preference shall be given in the following order:
32 first, to pupils returning to the public charter school in the second or
33 any subsequent year of its operation; second, to children of founders,
34 provided that this admission preference shall be limited to not more
35 than ten percent (10%) of the capacity of the public charter school;
36 third, to siblings of pupils already enrolled in the public charter
37 school; fourth, to pupils seeking to transfer from another Idaho pub-
38 lic charter school at which they have been enrolled for at least one
39 (1) year, provided that this admission preference shall be subject to
40 an existing written agreement for such preference between the subject
41 charter schools; fifth, to students residing within the primary at-
42 tendance area of the public charter school; and sixth, by an equitable
43 selection process such as a lottery or other random method. There shall
44 be no carryover from year to year of the list maintained to fill vacan-
45 cies. A new lottery shall be conducted each year to fill vacancies that
46 become available. If so stated in its petition, a public charter school
47 may weight the school's lottery to preference admission for the follow-
48 ing educationally disadvantaged students: students living at or below
49 one hundred eighty-five percent (185%) of the federal poverty level,
50 students who are homeless or in foster care, children with disabilities

1 as defined in section 33-2001, Idaho Code, students with limited Eng-
2 lish proficiency, and students who are at-risk as defined in section
3 33-1001, Idaho Code. If so stated in its petition, a public charter
4 school may include the following children within the second priority
5 group subject to the limitations therein:

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

8 (ii) Children who attended the public charter school within the
9 previous three (3) school years, but who withdrew as a result of
10 the relocation of a parent or guardian due to an academic sabbati-
11 cal, employer or military transfer or reassignment.

12 (c) Each public charter school shall establish a process under which a
13 child may apply for enrollment or register for courses, regardless of
14 where such child resides at the time of application or registration, if
15 the child is a dependent of a member of the United States armed forces
16 who has received transfer orders to a location in Idaho and will, upon
17 such transfer, reside in an area served by the public charter school.
18 If capacity is insufficient as described in paragraph (a) or (b) of this
19 subsection, a child described in this paragraph shall be treated as a
20 student residing within the primary attendance area of the public char-
21 ter school for purposes of preference.

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

24 (14) Public charter schools shall comply with section 33-119, Idaho
25 Code, as it applies to secondary school accreditation.

26 (15) Public charter school students shall be tested with the same stan-
27 dardized tests as other Idaho public school students.

28 (16) Public charter schools shall comply with the provisions of section
29 33-510, Idaho Code.

30 SECTION 3. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after
32 July 1, 2024.