

256F.3 Pilot program — application.

1. The state board of education shall apply for a federal grant under Pub. L. No. 107-110, cited as the federal No Child Left Behind Act of 2001 (Title V, Part B, Subpart 1), for purposes of providing financial assistance for the planning, program design, and initial implementation of public charter schools. The department shall initiate a pilot program to test the effectiveness of charter schools and shall implement the applicable provisions of [this chapter](#).

2. To receive approval to establish a charter school in accordance with [this chapter](#), the principal, teachers, or parents or guardians of students at an existing public school shall submit an application to the school board to convert an existing attendance center to a charter school. An attendance center shall not enter into a charter school contract with a school district under [this chapter](#) unless the attendance center is located within the school district. The application shall demonstrate the support of at least fifty percent of the teachers employed at the school on the date of the submission of the application and fifty percent of the parents or guardians voting whose children are enrolled at the school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process, according to procedures established by rules of the state board. A parent or guardian voting in accordance with [this subsection](#) must be a resident of this state.

3. A school board shall receive and review all applications for converting an existing building or creating a new building for a charter school. Applications received on or before October 1 of a calendar year shall be considered for charter schools to be established at the beginning of the school district's next school year or at a time agreed to by the applicant and the school board. However, a school board may receive and consider applications after October 1 at its discretion.

4. A school board shall by a majority vote approve or deny an application no later than sixty calendar days after the application is received. An application approved by a school board and subsequently approved by the state board pursuant to [subsection 6](#) shall constitute, at a minimum, an agreement between the school board and the charter school for the operation of the charter school. A school board that denies an application for a conversion to a charter school shall provide notice of denial to the applicant in writing within thirty days after board action. The notice shall specify the exact reasons for denial and provide documentation supporting those reasons.

5. An applicant may appeal school board denial of the applicant's charter school application to the state board in accordance with the procedures set forth in [chapter 290](#). The state board shall affirm, modify, or reverse the school board's decision on the basis of the information provided in the application indicating the ability and willingness of the proposed charter school to meet the requirements of [section 256F.1](#), [subsection 3](#), and [section 256F.4](#).

6. Upon approval of an application for the proposed establishment of a charter school, the school board shall submit an application for approval to establish the charter school to the state board in accordance with [section 256F.5](#). The application shall set forth the manner in which the charter school will provide special instruction, in accordance with [section 280.4](#), to students who are limited English proficient. The application shall set forth the manner in which the charter school will comply with federal and state laws and regulations relating to the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. § 1751 – 1785, and [chapter 283A](#). The state board shall approve only those applications that meet the requirements specified in [section 256F.1](#), [subsection 3](#), and [sections 256F.4](#) and [256F.5](#). The state board may deny an application if the state board deems that approval of the application is not in the best interest of the affected students. The state board shall approve not more than twenty charter school applications. The state board shall approve not more than one charter school application per school district. The state board shall adopt rules in accordance with [chapter 17A](#) for the implementation of [this chapter](#).

7. If federal rules or regulations relating to the distribution or utilization of federal funds allocated to the department pursuant to [this section](#) are adopted that are inconsistent with the provisions of [this chapter](#), the state board shall adopt rules to comply with the requirements of the federal rules or regulations. The state board shall identify inconsistencies between federal and state rules and regulations as provided in [this subsection](#) and shall submit

recommendations for legislative action to the chairpersons and ranking members of the senate and house standing committees on education at the next meeting of the general assembly.

2002 Acts, ch 1124, §3, 16; 2003 Acts, ch 79, §1, 7, 8; 2006 Acts, ch 1152, §7, 17

Referred to in [§256F.4](#)