

256E.7 General operating powers and duties.

1. In order to fulfill the charter school's public purpose, a charter school established under [this chapter](#) shall be organized as a nonprofit education organization and shall have all the powers necessary for carrying out the terms of the charter school contract including but not limited to the following, as applicable:

- a. Receive and expend funds for charter school purposes.
- b. Secure appropriate insurance and enter into contracts and leases.
- c. Contract with an education service provider for the management and operation of the charter school so long as the governing board retains oversight authority over the charter school.
- d. Incur debt in anticipation of the receipt of public or private funds.
- e. Pledge, assign, or encumber the charter school's assets to be used as collateral for loans or extensions of credit.
- f. Solicit and accept gifts or grants for charter school purposes unless otherwise prohibited by law or by the terms of its charter school contract.
- g. Acquire from public or private sources real property for use as a charter school or a facility directly related to the operations of the charter school.
- h. Sue and be sued in the charter school's own name.
- i. Operate an education program that may be offered by any noncharter public school or school district.

2. A charter school established under [this chapter](#) is exempt from all state statutes and rules and any local rule, regulation, or policy, applicable to a noncharter school, except that the charter school shall do all of the following:

- a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability. If approved under [section 256E.4](#), the charter school shall be subject to any court-ordered desegregation in effect for the school district at the time the charter school application is approved, unless otherwise specifically provided for in the desegregation order.
- b. Operate as a nonsectarian, nonreligious school.
- c. Be free of tuition and application fees to Iowa resident students between the ages of five and twenty-one years.
- d. Be subject to and comply with [chapters 216](#) and [216A](#) relating to civil and human rights.
- e. Provide special education services in accordance with [chapter 256B](#).
- f. Be subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit shall be consistent with the requirements of [sections 11.6](#), [11.14](#), [11.19](#), and [279.29](#), and [section 256.9, subsection 20](#), except to the extent deviations are necessary because of the program at the school. The department, the auditor of state, or the legislative services agency may conduct financial, program, or compliance audits.
- g. Be subject to and comply with the requirements of [section 256.7, subsection 21](#), and the educational standards of [section 256.11](#), unless specifically waived by the state board during the application process.
- h. Provide instruction for at least the number of days or hours required by [section 279.10, subsection 1](#), unless specifically waived by the state board as part of the application process.
- i. Comply with the requirements of [this chapter](#).

3. a. The governing board's meetings shall be conducted in a manner that is open to the public and the governing board shall be a governmental body for purposes of [chapter 21](#).

b. The governing board shall be a government body for purposes of [chapter 22](#) and all records, documents, and electronic data of the charter school and of the governing board shall be public records and shall be subject to the provisions of [chapter 22](#) relating to the examination of public records.

4. a. A charter school shall employ or contract with teachers as defined in [section 272.1](#), who hold valid licenses with an endorsement for the type of instruction or service for which the teachers are employed or under contract.

b. The chief administrator of the charter school shall be one of the following:

(1) An administrator who holds a valid license under [chapter 272](#).
(2) A teacher who holds a valid license under [chapter 272](#).
(3) An individual who holds an authorization to be a charter school administrator issued by the board of educational examiners under [chapter 272](#). The board of educational examiners shall adopt rules for the issuance of such authorizations not later than December 31, 2021, and such authorizations shall only be valid for service or employment as a charter school administrator.

5. A charter school shall not discriminate in its student admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, or status as a person with a disability. However, a charter school may limit admission to students who are within a particular range of ages or grade levels or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school.

6. A charter school shall enroll an eligible student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. Upon enrollment of an eligible student, the charter school shall notify the public school district of residence not later than March 1 of the school year preceding the school year of enrollment.

7. Each charter school governing board shall be required to adopt a conflict of interest policy and a code of ethics for all board members and employees.

8. Each charter school governing board shall adopt a policy regarding the hiring of family members to avoid nepotism in hiring and supervision. The policy shall include but is not limited to a disclosure to the governing board of potential nepotism in hiring and supervision. Any person subject to the policy with a conflict shall not be involved in the hiring decision or supervision of a potential employee.

9. Individuals compensated by an education service provider are prohibited from serving as a voting member on the governing board of any charter school unless the state board waives such prohibition.

10. If the charter school is operated by an education service provider, the governing board of the charter school shall have access to all records of the education service provider that are necessary to evaluate any provision of the contract or evaluate the education service provider's performance under the contract.

11. A majority of the membership of each charter school's governing board shall be residents of the geographic area served by the charter school. Each member of the governing board who is not a resident of the geographic area served by the charter school must be a resident of this state.

12. The governing board shall post the charter school's annual budget on the charter school's internet site for public viewing within ten days of approval of the budget. Each posted budget shall continue to be accessible for public viewing on the internet site for all subsequent budget years.

[2021 Acts, ch 112, §7](#); [2021 Acts, ch 139, §35](#)

Referred to in [§256E.2, 282.9](#)

NEW section