

CHAPTER 68
IOWA PUBLIC CHARTER AND INNOVATION ZONE SCHOOLS

DIVISION I
GENERAL PROVISIONS

281—68.1(256F,83GA,SF2033) Purpose. All charter schools and innovation zone schools in Iowa are public schools whose purpose is established pursuant to Iowa Code chapter 256F as amended by 2010 Iowa Acts, Senate File 2033. A charter school may be established by creating a new school within an existing public school or by converting an existing public school to charter status. This chapter provides the criteria and weighting for those criteria that the state board shall use to determine if an application for a public charter school or innovation zone school shall be approved.

[ARC 9264B, IAB 12/15/10, effective 1/19/11]

281—68.2(256F,83GA,SF2033) Definitions.

“Advisory council” means a council appointed by the school board of a charter school or an innovation zone consortium. With respect to a charter school, no more than one member of the council may be a member of the school board; a district’s school improvement advisory committee may also serve as its advisory council. With respect to an innovation zone consortium, no more than one member of the council may be a member of any participating school board. All advisory councils are subject to the provisions of Iowa Code chapters 21 and 22.

“Charter school” means a new school designated by the state board and created within an existing attendance center or a new school created by converting an existing attendance center to charter status.

“Charter school authorizers” means the local school board in partnership with the state board of education.

“Department” means the Iowa department of education.

“Family unit” means a household in which reside one or more students enrolled at the existing public school that is the subject of either a charter school application or an innovation zone school application.

“Innovation zone consortium” means a consortium of two or more school districts and an area education agency in which one or more of the school districts are located which receives approval from the state board to establish an innovation zone school.

“Innovation zone school” means a public school established as an innovation zone school pursuant to an innovation zone school contract entered into by an innovation zone consortium to meet one or more of the purposes in Iowa Code section 256F.1 as amended by 2010 Iowa Acts, Senate File 2033.

“School board” means a board of directors regularly elected by the registered voters of a school district.

“State board” means the state board of education.

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DIVISION II
CHARTER SCHOOLS

281—68.3(256F,83GA,SF2033) Application to a school board. A local school board may accept applications from the principal, teachers, or parents or guardians of students at an existing public school for the planning and operation of a charter school within the boundary lines of an existing public school district. An application for a charter school must be approved by the local school board as a prerequisite for submission of the application to the state board. An applicant may appeal the local school board denial of the application to the state board under the procedures set forth in Iowa Code chapter 290.

1. Prior to accepting applications, a local school board shall adopt procedures, criteria, and weighting of the criteria that will determine whether an application is approved or denied. The local school board may adopt the procedures, criteria, and weighting of the criteria as established in this chapter for public charter schools. The procedures shall include a requirement that a majority of family units of the proposed charter school support the approval of the application. In addition, any application that has been submitted and for which subsequent school board action has been taken shall, at minimum,

meet the provisions of Iowa Code chapter 256F. An application that is received by a school board on or before October 1 of a calendar year shall be considered for approval and for the establishment of a charter school at the beginning of the school district's next school year or at a time agreed to by the applicant and the local school board.

2. Subject to the provision in numbered paragraph "3," a local school board may receive and consider applications after October 1 at its discretion. A local school board, by majority vote, must approve or deny the application within 60 calendar days after the application is received. An application approved by the local school board and state board of education shall constitute, at a minimum, an agreement between the local school board and the charter school for the operation of the charter school for no less than four years.

3. All applications approved by school boards shall be submitted to the department no later than December 15 immediately preceding the school year for which the charter school desires to start operations.

[ARC 9264B, IAB 12/15/10, effective 1/19/11]

281—68.4(256F,83GA,SF2033) Review process.

68.4(1) *Application to the department.* Upon a local school board's approval of an application for the proposed establishment of a charter school, the local school board must submit the application for such establishment to the department. The department shall appoint, at minimum, five individuals knowledgeable in student achievement and nontraditional learning environments to review each application for charter status. A reviewer shall not participate in the review of any application in which the individual may have an interest, direct or indirect.

68.4(2) *Ranking of applications.* Applications shall be ranked on a point system, and applications shall be recommended in rank order beginning with the application with the highest points. In the event that two or more applications tie, the applications will be reviewed until the tie is broken.

The maximum points for an application shall be 100. The maximum points for each criterion provided in Iowa Code section 256F.5 as amended by 2010 Iowa Acts, Senate File 2033, section 16, shall be as follows:

a. Overview. The mission, purpose, innovation, and specialized focus of the charter school. The maximum number of points that can be awarded is 40.

b. Organization and structure. The maximum number of points that can be awarded is 10. The description of the organization and structure shall include:

(1) The charter school governance and bylaws.

(2) The method for appointing or forming an advisory council for the charter school. The membership of an advisory council appointed or formed in accordance with this chapter shall not include more than one member of the local school board. The advisory council shall, to the greatest extent possible, reflect the demographics of the student population to be served by the public charter school.

(3) The organization of the school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of the school.

(4) The method for admission to the public charter school. The admission policy shall support the purpose and specialized mission of the public charter school. A lottery process must be described in the application for a public charter school in the event that the number of applicants exceeds the capacity of the public charter school. The admission process shall not discriminate against prospective students on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability, except if a charter school limits enrollment pursuant to Iowa Code section 256F.4(3).

(5) The number and qualifications of teachers and administrators to be employed. Hiring shall, to the greatest extent possible, reflect the demographics of the student population to be served by the public charter school.

(6) Procedures for teacher and administrator evaluation.

(7) Procedures for identification and implementation of professional development for teachers and administrators as required under 281—12.7(256,284,284A) and the Iowa teaching standards, including the opportunity to be responsible for the learning program at the school site.

(8) A plan of operation to be implemented if the public charter school revokes or fails to renew its contract.

(9) The specific statutes, administrative rules, and school board policies with which the public charter school does not intend to comply.

c. Facilities/financial support. The maximum number of points that can be awarded is 10. The description of the facilities/financial support shall include:

(1) The provision of school facilities.

(2) The financial plan for the operation of the school including, at minimum, a listing of the support services the school district will provide, and the public charter school's revenues, budgets, and expenditures.

(3) Assurance of the assumption of liability by the public charter school.

(4) The types and amounts of insurance coverage to be obtained by the public charter school.

(5) The means, costs, and plan for providing transportation for students attending the public charter school.

d. Student achievement. The maximum number of points that can be awarded is 40. The description shall include:

(1) Performance goals and objectives in addition to those required under Iowa Code section 256.7(21) and 281—Chapter 12, by which the school's student achievement shall be judged, the measures to be used to assess progress, and the current baseline status with respect to the goals.

(2) The educational program and curriculum utilizing different and innovative instructional methodologies that reflect sensitivity to gender, racial, ethnic and socioeconomic backgrounds. Services to be offered to all prospective students, including students with disabilities pursuant to the requirements of 281—Chapter 41, English Language Learners (ELL), and other students considered "at risk," must also reflect the same sensitivities.

(3) A statement that indicates how the public charter school will meet the purpose of a public charter school as outlined in Iowa Code section 256F.1(3), and the minimum state and federal statutory requirements of a public charter school as outlined in Iowa Code section 256F.4(2).

68.4(3) State board review. The state board shall review the recommendations provided by the department. The state board shall, by a majority vote, approve or deny an application within 90 calendar days of receipt of the application and shall notify applicants within 5 days of the state board's decision. An approved application shall be a part of the contract for the operation of the charter school. The terms of the contract for the operation of the charter school shall also outline the reasons for revocation or nonrenewal of the charter.

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281—68.5(256F,83GA,SF2033) Ongoing review by department. A charter school shall be reviewed periodically by the department to ensure continuing compliance with the charter school's contract. The department may schedule mandatory meetings with the administrators of all charter schools at the department's sole discretion.

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281—68.6(256F,83GA,SF2033) Renewal of charter. After the initial four-year contract for a charter school and at the end of each renewal period thereafter, the school board that established the charter school shall, in the absence of revoking the charter pursuant to subrules 68.7(1) and 68.7(2), take affirmative action to renew a charter school contract. The school board shall hold a public hearing on the issue of renewal and shall submit to the department a copy of the minutes of the public hearing showing that a majority of the school board members voted in favor of renewal of the charter. Any action to renew a charter must specify the number of years, which shall not be more than four years, for which the charter was renewed by the school board.

A school board must submit a new application to the department if the board modifies any of the terms of the original charter.

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281—68.7(256F,83GA,SF2033) Revocation of charter.

68.7(1) *Reasons for revocation.* A charter may be revoked by the state board or by the school board that established the charter if either board determines that one or more of the following occurred:

a. The charter school has failed to meet the provisions set forth in the contract for the operation of the charter school.

b. The charter school has failed to comply with the provisions in Iowa Code chapter 256F.

c. The charter school has failed to meet generally accepted accounting principles for public entities.

d. The charter school has failed to demonstrate improvement in student progress in reading, mathematics, and science from that which existed prior to the establishment of the charter school to the present as evidenced by achievement scores on the latest administration of the state assessment for which scores are available, or as evidenced by alternative but equivalent locally determined performance measures including but not limited to additional administrations of the state assessment, portfolios of student work, student performance rubrics, or end-of-course assessments.

68.7(2) *Revocation by school board.* A school board considering the revocation of a contract with its charter school shall notify the advisory council, the family units, and the teachers and administrators employed by the charter school at least 60 days prior to the date by which the contract must be renewed but not later than the last day of classes in the school year. The decision of a school board to revoke or fail to renew a charter school contract is subject to appeal under procedures set forth in Iowa Code chapter 290 by an affected student or parent of an affected student who is a minor.

68.7(3) *Revocation by state board.* If the state board determines that reason exists under subrule 68.7(1) to revoke a charter school contract, the state board shall notify the school board and the advisory council of the charter school of the state board's intention to revoke the contract at least 60 days prior to the revocation of the contract, and the school board shall assume oversight authority, operational authority, or both oversight and operational authority. The notice shall state the grounds for the proposed action in writing and in reasonable detail. The school board may request in writing an informal hearing before the state board within 14 days of receiving notice of revocation of the contract. Upon receiving a timely written request for a hearing, the state board shall give reasonable notice to the school board of the hearing date. The state board shall conduct an informal hearing before taking final action. Final action to revoke a contract shall be taken in a manner least disruptive to the students enrolled in the charter school. The state board shall take final action to revoke or approve continuation of a contract by the last day of classes in the school year. If the final action to revoke a contract under Iowa Code section 256F.8 occurs prior to the last day of classes in the school year, a charter school student may enroll in the resident district. The decision of the state board to revoke a contract under Iowa Code section 256F.8 is solely within the discretion of the state board and is final.

[ARC 9264B, IAB 12/15/10, effective 1/19/11]

281—68.8 to 68.10 Reserved.

DIVISION III
INNOVATION ZONE SCHOOLS

281—68.11(256F,83GA,SF2033) Application process. An innovation zone consortium shall submit an application to establish an innovation zone school to the state board no later than December 15 immediately preceding the school year for which the innovation zone school desires to start operations. The application shall demonstrate the support, as of approximately the date of submission of the application, of at least 50 percent of the teachers employed at the proposed innovation zone school and at least 50 percent of the affected family units. The application shall set forth the manner in which the

innovation zone school will comply with federal and state laws regarding instruction to students who are English language learners and regarding the National School Lunch Act and Child Nutrition Act.
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281—68.12(256F,83GA,SF2033) Review process. Upon timely receipt of an application from an innovation zone consortium for the proposed establishment of an innovation zone school, the department shall appoint a minimum of five individuals knowledgeable in student achievement and nontraditional learning environments to review each application for an innovation zone school. A reviewer shall not participate in the review of any application in which the individual may have an interest, direct or indirect.

68.12(1) Cap on number of innovation zone schools. Pursuant to Iowa Code section 256F.3 as amended by 2010 Iowa Acts, Senate File 2033, section 10, the state board shall approve the establishment of not more than ten innovation zone schools.

68.12(2) Allocation of points on applications. Points shall be allocated to applications; the maximum points for any one application shall be 100. The maximum points for each criterion shall be as set forth in paragraphs 68.4(2) “a” to “d.” The department shall make a recommendation to the state board regarding whether an application should be approved or denied by the state board.

68.12(3) State board review. The state board shall review the recommendations provided by the department. The state board shall, by a majority vote, approve or deny an application within 90 calendar days of receipt of the application and shall notify applicants within 5 days of the state board’s decision. An approved application shall be a part of the contract for the operation of the innovation zone school. The terms of the contract for the operation of the innovation zone school shall also outline the reasons for revocation or nonrenewal of the approval of the innovation zone school.

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281—68.13(256F,83GA,SF2033) Ongoing review by department. An innovation zone school shall be reviewed periodically by the department to ensure continuing compliance with the innovation zone school’s contract. At the department’s sole discretion, the department may schedule mandatory meetings with the administrators of the innovation zone school and the administrators of the school’s innovation zone consortium.

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281—68.14(256F,83GA,SF2033) Renewal of contract. After the initial four-year contract for an innovation zone school and at the end of each renewal period thereafter, the local boards that formed the innovation zone consortium shall take affirmative action either to request renewal from the state board of the approval of the consortium’s innovation zone school contract or to dissolve the innovation zone school. If seeking renewal of the contract from the state board, the local boards that formed the innovation zone consortium shall first hold a joint public hearing on the issue of renewal of the contract and shall submit to the department a copy of the minutes of the public hearing showing that a majority of the local board members voted in favor of requesting renewal of the state board’s approval of the consortium’s innovation zone school contract. Any action to request renewal of the contract must specify the number of years, which shall not be more than four years, for which renewal is requested.

An innovation zone consortium must submit a new application to the department if the consortium modifies any of the terms of the original contract.

[ARC 9264B, IAB 12/15/10, effective 1/19/11]

281—68.15(256F,83GA,SF2033) Revocation of contract.

68.15(1) Reasons for revocation. An innovation zone school contract may be revoked by the state board or by the innovation zone consortium that established the school if either the board or the consortium determines that one or more of the following occurred:

a. The innovation zone school has failed to meet the provisions set forth in the contract for the operation of the innovation zone school.

b. The innovation zone school has failed to comply with the provisions in Iowa Code chapter 256F as amended by 2010 Iowa Acts, Senate File 2033.

c. The innovation zone school has failed to meet generally accepted accounting principles for public entities.

d. The innovation zone school has failed to demonstrate improvement in student progress in reading, mathematics, and science from that which existed prior to the establishment of the innovation zone school to the present as evidenced by achievement scores on the latest administration of the state assessment for which scores are available, or as evidenced by alternative but equivalent locally determined performance measures including but not limited to additional administrations of the state assessment, portfolios of student work, student performance rubrics, or end-of-course assessments.

68.15(2) *Revocation by innovation zone consortium.* An innovation zone consortium considering the revocation of a contract with its innovation zone school shall notify the advisory council, the family units, and the teachers and administrators employed by the innovation zone school at least 60 days prior to the date by which the contract must be renewed but not later than the last day of classes in the school year. The decision of an innovation zone consortium to revoke or fail to renew an innovation zone school contract is subject to appeal under procedures set forth in Iowa Code chapter 290 by an affected student or parent of an affected student who is a minor.

68.15(3) *Revocation by state board.* If the state board determines that reason exists under subrule 68.15(1) to revoke the contract for an innovation zone school, the state board shall notify the innovation zone consortium and the advisory council of the consortium of the state board's intention to revoke the contract at least 60 days prior to the revocation of the contract, and the consortium shall assume oversight authority, operational authority, or both oversight and operational authority. The notice shall state the grounds for the proposed action in writing and in reasonable detail. The consortium may request in writing an informal hearing before the state board within 14 days of receipt of notice of revocation of the contract. Upon receiving a timely written request for a hearing, the state board shall give reasonable notice to the consortium of the hearing date. The state board shall conduct an informal hearing before taking final action. Final action to revoke a contract shall be taken in a manner least disruptive to the students enrolled in the innovation zone school. The state board shall take final action to revoke or approve continuation of a contract by the last day of classes in the school year. If the final action to revoke a contract under Iowa Code section 256F.8 as amended by 2010 Iowa Acts, Senate File 2033, section 19, occurs prior to the last day of classes in the school year, an innovation zone school student may enroll in the student's resident district. The decision of the state board to revoke a contract under Iowa Code section 256F.8 as amended by 2010 Iowa Acts, Senate File 2033, section 19, is solely within the discretion of the state board and is final.

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These rules are intended to implement Iowa Code chapter 256F as amended by 2010 Iowa Acts, Senate File 2033.

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