

281—19.11(256E) General operating powers and duties. 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.

19.11(1) Operating powers. A charter school established under this chapter 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.

19.11(2) Exemptions. 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 (including but not limited to mandatory reporting of child abuse under Iowa Code section 232.69, investigation of abuse by school employees under 281—Chapter 102, and seclusion and restraint under 281—Chapter 103) 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 Iowa Code section 256E.4 and rule 281—19.7(256E), 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 5 and 21 years.
- d. Be subject to and comply with Iowa Code chapters 216 and 216A relating to civil and human rights.
- e. Provide special education services in accordance with Iowa Code 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 Iowa Code sections 11.6, 11.14, 11.19, and 279.29, and Iowa Code section 256.9(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 Iowa Code section 256.7(21) and the educational standards of Iowa Code 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 Iowa Code section 279.10(1), unless specifically waived by the state board as part of the application process.
- i. Comply with the requirements of this chapter.
- j. Conduct governing board meetings in a manner that is open to the public. The governing board shall be a governmental body for purposes of Iowa Code chapters 21 and 22. 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 Iowa Code chapter 22 relating to the examination of public records.

19.11(3) Teachers. A charter school shall employ or contract with teachers, as defined in Iowa Code 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.

19.11(4) Administrators. The chief administrator of the charter school shall be one of the following:

- a. An administrator who holds a valid license under Iowa Code chapter 272.
- b. A teacher who holds a valid license under Iowa Code chapter 272.
- c. An individual who holds an authorization to be a charter school administrator issued by the board of educational examiners under Iowa Code chapter 272.

19.11(5) Admissions. 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.

19.11(6) Enrollment. 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 preceding school year.

19.11(7) Governing board.

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

f. 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.

[ARC 6078C, IAB 12/15/21, effective 1/19/22; ARC 6486C, IAB 8/24/22, effective 8/8/22; ARC 6725C, IAB 12/14/22, effective 1/18/23]