

# House Amendment 8408

## Amendment Text

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1 1 Amend [Senate File 2318](#), as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. By striking everything after the enacting  
1 4 clause and inserting the following:  
1 5 "PILOT CHARTER SCHOOL PROGRAM  
1 6 Section 1. NEW SECTION. 256F.1 FINDINGS AND  
1 7 INTENT.  
1 8 The general assembly finds that the restrictions  
1 9 and requirements of state laws and regulations often  
1 10 prevent public schools from achieving effective  
1 11 education reform. To determine whether allowing  
1 12 public schools to operate under a charter can help a  
1 13 public school more effectively achieve the goal of  
1 14 education reform, the general assembly finds that a  
1 15 pilot program should be enacted allowing public  
1 16 schools to specify their own duties, responsibilities,  
1 17 and operations. The ultimate goal of a charter school  
1 18 shall be to improve student performance.  
1 19 Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.  
1 20 1. "Department" means the department of education,  
1 21 for purposes of this chapter.  
1 22 2. "Pilot charter school", for purposes of this  
1 23 division, means a state public school or a school  
1 24 district operated as a pilot charter school program,  
1 25 as indicated by the context which is operating under a  
1 26 contract with the state board in accordance with this  
1 27 chapter.  
1 28 3. "State board" means the state board of  
1 29 education, for purposes of this chapter.  
1 30 Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM.  
1 31 1. Commencing with the school year beginning July  
1 32 1, 2001, the state board of education shall initiate a  
1 33 pilot program to test the effectiveness of charter  
1 34 schools. The purpose of the pilot charter school  
1 35 program is to encourage public schools and school  
1 36 districts to determine creative ways to achieve  
1 37 improved educational outcomes. A school district  
1 38 approved as a pilot program for a state public charter  
1 39 school shall be counted as one program under this  
1 40 section. To receive approval to establish a pilot  
1 41 charter school, the board of directors of a school  
1 42 district shall submit an application to the state  
1 43 board in accordance with section 256F.5. The state  
1 44 board shall approve only those applications that meet  
1 45 the qualifications specified in section 256F.4. The  
1 46 state board shall adopt rules in accordance with  
1 47 chapter 17A for the implementation of this chapter.  
1 48 2. When considering applications, state board  
1 49 approval shall also be based on whether the  
1 50 applications provide for geographical distribution of  
2 1 pilot programs across the state and ensures  
2 2 distribution to small, medium, and large school  
2 3 districts.  
2 4 3. The approval by the state board of an  
2 5 application shall not be conditioned upon the  
2 6 bargaining unit status of the employees of the charter  
2 7 school.

2 8 4. A school board may, by majority vote, submit  
2 9 the question of whether to operate the entire school  
2 10 district as a state public charter school to the  
2 11 eligible electors of the school district at any  
2 12 regular school election or at a special election  
2 13 called specifically for this purpose. The school  
2 14 board shall submit an application to the state board  
2 15 for approval of the state public charter school as a  
2 16 pilot program only if a majority of the eligible  
2 17 electors voting in an election called pursuant to this  
2 18 subsection vote in favor of the question.

2 19 5. If federal rules or regulations are adopted  
2 20 relating to the distribution or utilization of funds  
2 21 allocated to the state department of education  
2 22 pursuant to this section which are inconsistent with  
2 23 the provisions of this section, the state department  
2 24 of education shall adopt rules to comply with the  
2 25 requirements of the federal rules or regulations.

2 26 Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING  
2 27 REQUIREMENTS.

2 28 1. A pilot charter school is a public school and  
2 29 is part of the state's system of public education.  
2 30 Although a pilot charter school may elect to comply  
2 31 with one or more provisions of statute or  
2 32 administrative rule, a pilot charter school is exempt  
2 33 from all statutes and rules applicable to a school, a  
2 34 school board, or a district, except the pilot charter  
2 35 school shall do the following:

2 36 a. Meet all applicable federal, state, and local  
2 37 health and safety requirements and laws prohibiting  
2 38 discrimination on the basis of race, creed, color,  
2 39 sex, national origin, religion, ancestry, or  
2 40 disability. A charter school shall be subject to any  
2 41 court-ordered desegregation plan in effect for the  
2 42 school district at the time the school's charter  
2 43 application is approved.

2 44 b. Operate as a nonsectarian, nonreligious public  
2 45 school.

2 46 c. Be free of tuition and application fees to Iowa  
2 47 resident students between the ages of five and twenty-  
2 48 one years.

2 49 d. Be subject to and shall comply with chapters  
2 50 216 and 216A relating to civil and human rights.

3 1 e. Be considered a school district for purposes of  
3 2 tort liability under chapter 670.

3 3 f. Receive state moneys or be eligible to receive  
3 4 state moneys as provided in chapters 256D, 256E, 257,  
3 5 285, 294A, and 295, as if it did not operate under a  
3 6 charter. A pilot charter school district may levy  
3 7 taxes and issue bonds as provided in chapters 73A, 75,  
3 8 76, 257, 279, 295, 296, and 298, as if it did not  
3 9 operate under a charter. The enrollment of the pilot  
3 10 charter school shall be included in the actual  
3 11 enrollment of the school district in which the pilot  
3 12 charter school is located except as provided in  
3 13 paragraph "g". A pilot charter school district shall  
3 14 be liable for timely payment on its bonded  
3 15 indebtedness and subject to the same bonded  
3 16 indebtedness limitations as if it did not operate  
3 17 under a charter.

3 18 g. Operate within the same geographic district  
3 19 boundaries that existed prior to its becoming a pilot  
3 20 charter school or district. The enrollment of the  
3 21 pilot charter school or district shall be calculated  
3 22 and submitted as provided in chapter 257 as if it did  
3 23 not operate under a charter.

3 24 h. Provide special education services in

3 25 accordance with chapter 256B. However, the school  
3 26 district of residence shall be responsible for the  
3 27 difference between the state moneys received pursuant  
3 28 to the weighting plan under section 256B.9, and the  
3 29 pilot charter school's extraordinary costs of  
3 30 instruction of children requiring special education.  
3 31 i. Be subject to the same financial audits, audit  
3 32 procedures, and audit requirements as a school  
3 33 district. The audit shall be consistent with the  
3 34 requirements of sections 11.6, 11.14, 11.19, 256.9,  
3 35 subsection 19, and section 279.29, except to the  
3 36 extent deviations are necessary because of the program  
3 37 at the school. The department, the auditor of state,  
3 38 or the legislative fiscal bureau may conduct  
3 39 financial, program, or compliance audits.

3 40 3. A pilot charter school shall not discriminate  
3 41 in its student admissions policies or practices on the  
3 42 basis of intellectual or athletic ability, measures of  
3 43 achievement or aptitude, status as a person with a  
3 44 disability, or any other basis that would be illegal  
3 45 if practiced by a school district. However, a pilot  
3 46 charter school may limit admission to students who are  
3 47 within a particular range of age or grade level or on  
3 48 any other basis that would be legal if initiated by a  
3 49 school district. Enrollment priority shall be given  
3 50 to the siblings of students enrolled in a pilot  
4 1 charter school.

4 2 4. A pilot charter school shall enroll an eligible  
4 3 student who submits a timely application, unless the  
4 4 number of applications exceeds the capacity of a  
4 5 program, class, grade level, or building. In this  
4 6 case, students must be accepted by lot. A pilot  
4 7 charter school shall be subject to section 282.18 as  
4 8 if it did not operate under a charter, except as  
4 9 provided in this chapter.

4 10 5. A bargaining unit formed by employees of a  
4 11 pilot charter school shall be separate from a school  
4 12 district bargaining unit, unless the entire school  
4 13 district is approved as a pilot charter school.

4 14 6. A pilot charter school shall provide  
4 15 instruction for at least the number of days required  
4 16 by section 279.10, subsection 1, unless the school  
4 17 provides instruction throughout the year according to  
4 18 section 256.20 or section 279.10, subsection 3.

4 19 7. Notwithstanding section 256F.4, subsection 1, a  
4 20 pilot charter school shall meet the requirements of  
4 21 section 256.7, subsection 21.

4 22 Sec. 5. NEW SECTION. 256F.5 APPLICATION  
4 23 DEFINITION.

4 24 1. An application for the approval of a pilot  
4 25 charter school shall include, but shall not be limited  
4 26 to, a description of the following:

4 27 a. The method for admission to a pilot charter  
4 28 school.

4 29 b. The mission, purpose, innovation, and  
4 30 specialized focus of the pilot charter school.

4 31 c. Performance goals and objectives in addition to  
4 32 those required under section 256.7, subsection 21, by  
4 33 which the school's student achievement shall be  
4 34 judged, the measures to be used to assess progress,  
4 35 and the current baseline status with respect to the  
4 36 goals.

4 37 d. Procedures for teacher evaluation and  
4 38 professional development for teachers and  
4 39 administrators.

4 40 e. The pilot charter school governance and bylaws.

4 41 f. The financial plan for the operation of the

4 42 school.

4 43 g. The educational program, instructional  
4 44 methodology, and services to be offered to students.

4 45 h. The number and qualifications of teachers and  
4 46 administrators to be employed.

4 47 i. The organization of the school in terms of ages  
4 48 of students or grades to be taught along with an  
4 49 estimate of the total enrollment of the school.

4 50 j. The provision of school facilities and public  
5 1 transportation.

5 2 k. A statement indicating how the pilot charter  
5 3 school will meet the requirements of section 256F.4,  
5 4 subsection 1, paragraph "a" and section 256F.4,  
5 5 subsection 3.

5 6 l. Assurance of the assumption of liability by the  
5 7 pilot charter school.

5 8 m. The types and amounts of insurance coverage to  
5 9 be obtained by the pilot charter school.

5 10 n. A plan of operation to be implemented if the  
5 11 state public charter school revokes or fails to renew  
5 12 its contract.

5 13 2. If an attendance center located within a  
5 14 district submits an application to a school district,  
5 15 the board of directors of the school district shall  
5 16 notify the applicant of its decision to deny or  
5 17 approve the application within ninety days of  
5 18 receiving the application. If the board denies the  
5 19 application, or fails to notify the applicant of its  
5 20 decision in a timely manner, the applicant may apply  
5 21 to the state board. If the state board approves the  
5 22 application, the state board shall notify the board of  
5 23 directors of the school district in which the  
5 24 attendance center is located, and the school board  
5 25 shall become the authorizing body for the pilot  
5 26 charter school, shall issue a contract with the pilot  
5 27 charter school, and shall otherwise comply with the  
5 28 provisions of the chapter. The decision of the state  
5 29 board is final.

5 30 3. A school district seeking approval for a pilot  
5 31 charter school shall also submit with the application  
5 32 evidence of broad-based support among parents,  
5 33 teachers, and pupils within the school district for  
5 34 the formation of a pilot charter school by way of a  
5 35 petition, public opinion survey, or other similar,  
5 36 reliable indicator of public opinion.

5 37 4. The state board and a pilot charter school may  
5 38 freely negotiate which state statutes and  
5 39 administrative rules apply to the pilot charter  
5 40 school.

5 41 Sec. 6. NEW SECTION. 256F.6 CONTRACT.

5 42 1. An approved pilot charter school application  
5 43 shall constitute an agreement, the terms of which  
5 44 shall be the terms of a four-year renewable contract  
5 45 between the pilot charter school and the state board.  
5 46 The contract shall reflect all agreements regarding  
5 47 the operation of the pilot charter school. The terms  
5 48 of the contract may be revised at any time with the  
5 49 approval of both the state board and the pilot charter  
5 50 school, whether or not the stated provisions of the  
6 1 contract are being fulfilled.

6 2 2. The state board of education shall provide by  
6 3 rule for the ongoing review of a pilot charter  
6 4 school's compliance with a contract entered into in  
6 5 accordance with this chapter.

6 6 3. The department shall visit a pilot charter  
6 7 school district at least once annually to determine  
6 8 the status and progress toward the goals of its

6 9 contract.

6 10 Sec. 7. NEW SECTION. 256F.7 INSTRUCTIONAL AND  
6 11 NONINSTRUCTIONAL STAFF.

6 12 1. Employees of a pilot charter school may, if  
6 13 otherwise eligible, organize under chapter 20 and  
6 14 comply with its provisions as if it did not operate  
6 15 under a charter.

6 16 2. Practitioners employed by pilot charter schools  
6 17 shall be licensed in accordance with chapter 272  
6 18 except as follows:

6 19 a. Up to fifteen percent of the teachers employed  
6 20 by pilot charter schools shall not be required to be  
6 21 licensed under chapter 272.

6 22 b. A person may be employed as an administrator if  
6 23 the person is pursuing a course of study leading to  
6 24 the completion of all requirements for licensure as an  
6 25 administrator.

6 26 3. Practitioners employed in a pilot charter  
6 27 school shall be public school employees for purposes  
6 28 of chapter 97B.

6 29 Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR  
6 30 REVOCATION OR NONRENEWAL OF CONTRACT.

6 31 1. A contract for the establishment of a state  
6 32 public pilot charter school may be revoked either by  
6 33 the state board, in accordance with section 256F.6,  
6 34 subsection 2, in the case of a school district, or, in  
6 35 the case of a school only, the school board that  
6 36 established the pilot charter school if the  
6 37 appropriate board determines that one or more of the  
6 38 following occurred:

6 39 a. Failure of the pilot charter school or district  
6 40 to abide by and meet the educational goals set forth  
6 41 in the contract.

6 42 b. Failure of the pilot charter school or district  
6 43 to comply with all applicable law.

6 44 c. Failure of the pilot charter school or district  
6 45 to meet generally accepted public sector accounting  
6 46 principles.

6 47 d. The existence of one or more other grounds for  
6 48 revocation as specified in the contract.

6 49 2. The decision by a school board to revoke or to  
6 50 fail to take action to renew a pilot charter school  
7 1 contract is subject to appeal under section 290.1.

7 2 3. If the state board determines that a pilot  
7 3 charter school district is in substantial violation of  
7 4 the terms of the contract entered into in accordance  
7 5 with section 256F.6, the state board shall assume  
7 6 temporary oversight authority, operational authority,  
7 7 or both oversight and operational authority, and  
7 8 notify the pilot charter school district of its  
7 9 intention to revoke the contract at least sixty days  
7 10 prior to revoking a contract. The notice shall state  
7 11 the grounds for the proposed action in writing and in  
7 12 reasonable detail. The school district may request in  
7 13 writing an informal hearing before the state board  
7 14 within fourteen days of receiving notice of revocation  
7 15 of the contract. Upon receiving a timely written  
7 16 request for a hearing, the state board shall give  
7 17 reasonable notice to the school board of the hearing  
7 18 date. The state board shall conduct an informal  
7 19 hearing before taking final action. The school board  
7 20 shall take final action to revoke or approve  
7 21 continuation of a contract by the last day of classes  
7 22 in the school year. If the final action to revoke a  
7 23 contract under this section occurs prior to the last  
7 24 day of classes in the school year, a pilot charter  
7 25 school student may enroll in the resident district or

7 26 another district as provided in section 256F.9,  
7 27 subsection 2.

7 28 4. The decision of the state board to revoke a  
7 29 contract under this section is solely within the  
7 30 discretion of the state board and is final.

7 31 5. A board revoking a contract or a school board  
7 32 which fails to renew a contract under this chapter is  
7 33 not liable for that action to the pilot charter  
7 34 school, a student enrolled in the pilot charter school  
7 35 or the student's parent or guardian, or any other  
7 36 person.

7 37 Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER  
7 38 REVOCATION STUDENT ENROLLMENT.

7 39 1. If the contract for a pilot charter school  
7 40 district is revoked in accordance with section 256F.8,  
7 41 the state board shall merge the territory of the  
7 42 school district with one or more contiguous school  
7 43 districts at the end of the school year. Division of  
7 44 assets and liabilities of the school district shall be  
7 45 as provided in sections 275.29 through 275.31. Until  
7 46 the merger is completed, and subject to a decision by  
7 47 the state board of education, the pilot charter school  
7 48 district shall pay tuition for its resident students  
7 49 to an accredited school district under section 282.24.  
7 50 However, in lieu of merger and payment of tuition by a  
8 1 pilot charter school district, the state board may  
8 2 place the district under receivership for the  
8 3 remainder of the school year or until the district  
8 4 meets the accreditation requirements of section 256.11  
8 5 or the terms of the contract entered into pursuant to  
8 6 section 256F.6. The receivership shall be under the  
8 7 direct supervision and authority of the director of  
8 8 the department of education. The decision of whether  
8 9 to merge the school district and require payment of  
8 10 tuition for the district's students or to place the  
8 11 district under receivership shall be based upon a  
8 12 determination by the state board of the best interests  
8 13 of the students, parents, residents of the community,  
8 14 teachers, administrators, and board members of the  
8 15 district and the recommendations of the director of  
8 16 the department of education. If the state board  
8 17 revokes a contract, the revocation shall take effect  
8 18 on the date established by the resolution of the state  
8 19 board, which shall be no later than the end of the  
8 20 school year in which the contract is revoked.

8 21 2. If a pilot charter school contract is revoked  
8 22 in accordance with this chapter, a student who  
8 23 attended the school, siblings of the student, or  
8 24 another student who resides in the same place as the  
8 25 student may enroll in the resident district or may  
8 26 submit an application to a nonresident district  
8 27 according to section 282.18 at any time. Applications  
8 28 and notices required by section 282.18 shall be  
8 29 processed and provided in a prompt manner. The  
8 30 application and notice deadlines in section 282.18 do  
8 31 not apply under these circumstances.

8 32 Sec. 10. NEW SECTION. 256F.10 REPORTS.

8 33 Notwithstanding section 256F.4, subsection 1, not  
8 34 later than December 1, 2001, and annually thereafter,  
8 35 the state board shall submit a comprehensive report,  
8 36 with findings and recommendations, to the senate and  
8 37 house standing committees on education. The report  
8 38 shall evaluate pilot charter school programs  
8 39 generally, including but not limited to, an evaluation  
8 40 of whether the pilot programs are fulfilling the  
8 41 purposes set forth in section 256F.5, subsection 1.  
8 42 The report also shall contain, for each pilot charter

8 43 school, a copy of the pilot charter school's mission  
8 44 statement, attendance statistics and dropout rate,  
8 45 aggregate assessment test scores, projections of  
8 46 financial stability, and number of and comments on  
8 47 supervisory visits by the department of education.  
8 48 Sec. 11. EMERGENCY RULES. The state board of  
8 49 education may adopt emergency rules under section  
8 50 17A.4, subsection 2, and section 17A.5, subsection 2,  
9 1 paragraph "b", to implement this Act and the rules  
9 2 shall be effective immediately upon filing unless a  
9 3 later date is specified in the rules. Any rules  
9 4 adopted in accordance with this section shall also be  
9 5 published as a notice of intended action as provided  
9 6 in section 17A.4."

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9 10 COMMITTEE ON [EDUCATION](#)  
9 11 GRUNDBERG of Polk, Chairperson  
9 12 [SF 2318.3](#)06 78  
9 13 kh/cf