

House Amendment 8206

Amendment Text

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1 1 Amend [Senate File 348](#), 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 "Section 1. NEW SECTION. 256F.1 AUTHORIZATION
1 6 AND PURPOSE.
1 7 1. Charter schools shall be part of the state's
1 8 program of public education.
1 9 2. A charter school may be established by creating
1 10 a new school within an existing public school or
1 11 converting an existing public school to charter
1 12 status.
1 13 3. The purpose of a charter school established
1 14 pursuant to this chapter shall be to accomplish the
1 15 following:
1 16 a. Improve student learning.
1 17 b. Increase learning opportunities for students.
1 18 c. Encourage the use of different and innovative
1 19 methods of teaching.
1 20 d. Require the measurement of learning outcomes
1 21 and create different and innovative forms of measuring
1 22 outcomes.
1 23 e. Establish new forms of accountability for
1 24 schools.
1 25 f. Create new professional opportunities for
1 26 teachers and other educators, including the
1 27 opportunity to be responsible for the learning program
1 28 at the school site.
1 29 Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.
1 30 1. "Advisory council" means a council appointed by
1 31 the school board of directors of a charter school
1 32 pursuant to section 256F.5, subsection 4.
1 33 2. "Attendance center" means a public school
1 34 building that contains classrooms used for
1 35 instructional purposes for elementary, middle, or
1 36 secondary school students.
1 37 3. "Charter school" means a state public charter
1 38 school operated as a pilot program.
1 39 4. "Department" means the department of education.
1 40 5. "School board" means a board of directors
1 41 regularly elected by the registered voters of a school
1 42 district.
1 43 6. "State board" means the state board of
1 44 education.
1 45 Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM
1 46 APPLICATION.
1 47 1. Commencing with the school year beginning July
1 48 1, 2002, the state board of education shall initiate a
1 49 pilot program to test the effectiveness of charter
1 50 schools.
2 1 2. To receive approval to establish a charter
2 2 school in accordance with this chapter, the principal,
2 3 teachers, or parents of students at an existing public
2 4 school shall submit an application to the school board
2 5 to convert an existing attendance center to a charter
2 6 school. An attendance center shall not enter into a
2 7 charter school contract with a school district under

2 8 this chapter unless the attendance center is located
2 9 within the school district. The application shall
2 10 demonstrate the support of at least fifty percent of
2 11 the teachers employed at the school and fifty percent
2 12 of the parents voting whose children are enrolled at
2 13 the school, provided that a majority of the parents
2 14 eligible to vote participate in the ballot process,
2 15 according to procedures established by rules of the
2 16 state board.

2 17 3. A school board shall receive and review all
2 18 applications for a charter school. Applications
2 19 received on or before October 1 of a calendar year
2 20 shall be considered for charter schools to be
2 21 established at the beginning of the school district's
2 22 next school year or at a time agreed to by the
2 23 applicant and the school board. However, a school
2 24 board may receive and consider applications after
2 25 October 1 at its discretion.

2 26 4. A school board shall by a majority vote approve
2 27 or deny an application no later than sixty calendar
2 28 days after the application is received. A school
2 29 board that denies an application for a conversion to a
2 30 charter school shall provide notice of denial to the
2 31 applicant in writing within thirty days after board
2 32 action. The notice shall specify the exact reasons
2 33 for denial and provide documentation supporting those
2 34 reasons.

2 35 5. An applicant may appeal school board denial of
2 36 the applicant's charter school application to the
2 37 state board in accordance with the procedures set
2 38 forth in chapter 290. The state board shall affirm,
2 39 modify, or reverse the school board's decision on the
2 40 basis of the information provided in the application
2 41 indicating the ability or willingness of the proposed
2 42 charter school to meet the requirements of section
2 43 256F.1, subsection 3, and section 256F.4.

2 44 6. Upon approval of an application for the
2 45 proposed establishment of a charter school, the school
2 46 board shall submit an application for approval to
2 47 establish the charter school to the state board in
2 48 accordance with section 256F.5. The state board shall
2 49 approve only those applications that meet the
2 50 requirements specified in section 256F.1, subsection
3 1 3, and section 256F.4. The state board shall approve
3 2 not more than ten charter school applications. The
3 3 state board shall adopt rules in accordance with
3 4 chapter 17A for the implementation of this chapter.

3 5 7. If federal rules or regulations relating to the
3 6 distribution or utilization of federal funds allocated
3 7 to the department pursuant to this section are adopted
3 8 that are inconsistent with the provisions of this
3 9 chapter, the state board shall adopt rules to comply
3 10 with the requirements of the federal rules or
3 11 regulations.

3 12 Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING
3 13 REQUIREMENTS.

3 14 1. Within fifteen days after approval of a charter
3 15 school application submitted in accordance with
3 16 section 256F.3, subsection 2, a school board shall
3 17 report to the department the name of the charter
3 18 school applicant entry, the proposed charter school
3 19 location, and its projected enrollment. In order to
3 20 facilitate an accurate budget projection process, a
3 21 school board shall receive funds for students who are
3 22 not included in the third Friday in September
3 23 enrollment report due to approval of charter school
3 24 applications after the actual enrollment is

3 25 determined. The department of management shall adjust
3 26 the enrollment of the school district to reflect this
3 27 intent.

3 28 2. Although a charter school may elect to comply
3 29 with one or more provisions of statute or
3 30 administrative rule, a charter school is exempt from
3 31 all statutes and rules applicable to a school, a
3 32 school board, or a school district, except that the
3 33 charter school shall do all of the following:

3 34 a. Meet all applicable federal, state, and local
3 35 health and safety requirements and laws prohibiting
3 36 discrimination on the basis of race, creed, color,
3 37 sex, national origin, religion, ancestry, or
3 38 disability. A charter school shall be subject to any
3 39 court-ordered desegregation plan in effect for the
3 40 school district at the time the school's charter
3 41 application is approved.

3 42 b. Operate as a nonsectarian, nonreligious public
3 43 school.

3 44 c. Be free of tuition and application fees to Iowa
3 45 resident students between the ages of five and twenty-
3 46 one years.

3 47 d. Be subject to and comply with chapters 216 and
3 48 216A relating to civil and human rights.

3 49 e. Provide special education services in
3 50 accordance with chapter 256B.

4 1 f. Be subject to the same financial audits, audit
4 2 procedures, and audit requirements as a school
4 3 district. The audit shall be consistent with the
4 4 requirements of sections 11.6, 11.14, 11.19, 256.9,
4 5 subsection 19, and section 279.29, except to the
4 6 extent deviations are necessary because of the program
4 7 at the school. The department, the auditor of state,
4 8 or the legislative fiscal bureau may conduct
4 9 financial, program, or compliance audits.

4 10 g. Be subject to and comply with chapter 284
4 11 relating to the student achievement and teacher
4 12 quality program. A charter school that complies with
4 13 chapter 284 shall receive state moneys or be eligible
4 14 to receive state moneys as provided in chapter 284 as
4 15 if it did not operate under a charter.

4 16 h. Be subject to and comply with chapters 20 and
4 17 279 relating to contracts with and discharge of
4 18 teachers and administrators.

4 19 i. Be subject to and comply with the provisions of
4 20 chapter 285 relating to the transportation of
4 21 students.

4 22 j. Meetings of the advisory council are subject to
4 23 the provisions of chapters 21 and 22.

4 24 3. A charter school shall not discriminate in its
4 25 student admissions policies or practices on the basis
4 26 of intellectual or athletic ability, measures of
4 27 achievement or aptitude, or status as a person with a
4 28 disability. However, a charter school may limit
4 29 admission to students who are within a particular
4 30 range of age or grade level or on any other basis that
4 31 would be legal if initiated by a school district.
4 32 Enrollment priority shall be given to the siblings of
4 33 students enrolled in a charter school.

4 34 4. A charter school shall enroll an eligible
4 35 student who submits a timely application unless the
4 36 number of applications exceeds the capacity of a
4 37 program, class, grade level, or building. In this
4 38 case, students must be accepted by lot. A charter
4 39 school shall be subject to section 282.18 as if it did
4 40 not operate under a charter, except as provided in
4 41 this chapter.

4 42 5. A charter school shall provide instruction for
4 43 at least the number of days required by section
4 44 279.10, subsection 1, or shall provide at least the
4 45 equivalent number of total hours.

4 46 6. Notwithstanding subsection 2, a charter school
4 47 shall meet the requirements of section 256.7,
4 48 subsection 21.

4 49 7. A charter school shall be considered a part of
4 50 the school district in which it is located for
5 1 purposes of state school foundation aid pursuant to
5 2 chapter 257.

5 3 8. A charter school may enter into contracts and
5 4 issue bonds in accordance with chapter 73A.

5 5 Sec. 5. NEW SECTION. 256F.5 APPLICATION
5 6 DEFINITION.

5 7 An application to the state board for the approval
5 8 of a charter school shall include, but shall not be
5 9 limited to, a description of the following:

5 10 1. The method for admission to the charter school.

5 11 2. The mission, purpose, innovation, and
5 12 specialized focus of the charter school.

5 13 3. Performance goals and objectives in addition to
5 14 those required under section 256.7, subsection 21, by
5 15 which the school's student achievement shall be
5 16 judged, the measures to be used to assess progress,
5 17 and the current baseline status with respect to the
5 18 goals.

5 19 4. The method for appointing or forming an
5 20 advisory council for the charter school.

5 21 5. Procedures for teacher evaluation and
5 22 professional development for teachers and
5 23 administrators.

5 24 6. The charter school governance and bylaws.

5 25 7. The financial plan for the operation of the
5 26 school.

5 27 8. The educational program and curriculum,
5 28 instructional methodology, and services to be offered
5 29 to students.

5 30 9. The number and qualifications of teachers and
5 31 administrators to be employed.

5 32 10. The organization of the school in terms of
5 33 ages of students or grades to be taught along with an
5 34 estimate of the total enrollment of the school.

5 35 11. The provision of school facilities.

5 36 12. A statement indicating how the charter school
5 37 will meet the requirements of section 256F.1,
5 38 subsection 3; section 256F.4, subsection 2, paragraph
5 39 "a"; and section 256F.4, subsection 3.

5 40 13. Assurance of the assumption of liability by
5 41 the charter school.

5 42 14. The types and amounts of insurance coverage to
5 43 be obtained by the charter school.

5 44 15. A plan of operation to be implemented if the
5 45 charter school revokes or fails to renew its contract.

5 46 16. The means, costs, and plan for providing
5 47 transportation for students attending the charter
5 48 school.

5 49 17. The specific statutes, administrative rules,
5 50 and school board policies with which the charter
6 1 school does not intend to comply.

6 2 Sec. 6. NEW SECTION. 256F.6 CONTRACT.

6 3 1. An approved charter school application shall
6 4 constitute an agreement, the terms of which shall be
6 5 the terms of a four-year renewable contract between
6 6 the school board and the state board. The contract
6 7 shall reflect all agreements regarding the operation
6 8 of the charter school. The terms of the contract may

6 9 be revised at any time with the approval of both the
6 10 state board and the school board, whether or not the
6 11 stated provisions of the contract are being fulfilled.
6 12 The charter school shall provide parents and guardians
6 13 of students enrolled in the charter school with a copy
6 14 of the charter school application approved pursuant to
6 15 section 256F.5.

6 16 2. The contract shall outline the reasons for
6 17 revocation or nonrenewal of the charter.

6 18 3. The state board of education shall provide by
6 19 rule for the ongoing review of a school board's
6 20 compliance with a contract entered into in accordance
6 21 with this chapter.

6 22 Sec. 7. NEW SECTION. 256F.7 EMPLOYMENT AND
6 23 RELATED MATTERS.

6 24 1. A charter school shall employ or contract with
6 25 necessary teachers and administrators, as defined in
6 26 section 272.1, who hold a valid license with an
6 27 endorsement for the type of service for which the
6 28 teacher or administrator is employed.

6 29 2. The school board, in consultation with the
6 30 advisory council, shall decide matters related to the
6 31 operation of the school, including budgeting,
6 32 curriculum, and operating procedures.

6 33 3. Employees of a charter school shall be
6 34 considered employees of the school district.

6 35 Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR
6 36 REVOCATION OR NONRENEWAL OF CONTRACT.

6 37 1. A contract for the establishment of a charter
6 38 school may be revoked by the state board or the school
6 39 board that established the charter school if the
6 40 appropriate board determines that one or more of the
6 41 following occurred:

6 42 a. Failure of the charter school to abide by and
6 43 meet the provisions set forth in the contract,
6 44 including educational goals.

6 45 b. Failure of the charter school to comply with
6 46 all applicable law.

6 47 c. Failure of the charter school to meet generally
6 48 accepted public sector accounting principles.

6 49 d. The existence of one or more other grounds for
6 50 revocation as specified in the contract.

7 1 2. The decision by a school board to revoke or to
7 2 fail to take action to renew a charter school contract
7 3 is subject to appeal under procedures set forth in
7 4 chapter 290.

7 5 3. A school board considering revocation or
7 6 nonrenewal of a charter school contract shall notify
7 7 the advisory council, the parents or legal guardians
7 8 of the students enrolled in the charter school, and
7 9 the teachers and administrators employed by the
7 10 charter school, sixty days prior to revoking or the
7 11 date by which the contract must be renewed, but not
7 12 later than the last day of classes in the school year.

7 13 4. If the state board determines that a charter
7 14 school is in substantial violation of the terms of the
7 15 contract, the state board shall notify the school
7 16 board and the advisory council of its intention to
7 17 revoke the contract at least sixty days prior to
7 18 revoking a contract and the school board shall assume
7 19 oversight authority, operational authority, or both
7 20 oversight and operational authority. The notice shall
7 21 state the grounds for the proposed action in writing
7 22 and in reasonable detail. The school board may
7 23 request in writing an informal hearing before the
7 24 state board within fourteen days of receiving notice
7 25 of revocation of the contract. Upon receiving a

7 26 timely written request for a hearing, the state board
7 27 shall give reasonable notice to the school board of
7 28 the hearing date. The state board shall conduct an
7 29 informal hearing before taking final action. The
7 30 state board shall take final action to revoke or
7 31 approve continuation of a contract by the last day of
7 32 classes in the school year. If the final action to
7 33 revoke a contract under this section occurs prior to
7 34 the last day of classes in the school year, a charter
7 35 school student may enroll in the resident district.

7 36 5. The decision of the state board to revoke a
7 37 contract under this section is solely within the
7 38 discretion of the state board and is final.

7 39 6. A school board revoking a contract or a school
7 40 board or advisory council that fails to renew a
7 41 contract under this chapter is not liable for that
7 42 action to the charter school, a student enrolled in
7 43 the charter school or the student's parent or
7 44 guardian, or any other person.

7 45 7. In the case of a revocation or a nonrenewal of
7 46 the charter, the school board is exempt from the state
7 47 board's "Barker guidelines", as provided in 1 D.P.I.
7 48 App. Dec. 145 (1977).

7 49 Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER
7 50 REVOCATION STUDENT ENROLLMENT.

8 1 If a charter school contract is revoked in
8 2 accordance with this chapter, a nonresident student
8 3 who attended the school, siblings of the student, or
8 4 another student who resides in the same place as the
8 5 student shall be determined to have shown good cause
8 6 as provided in section 282.18, subsection 16, and may
8 7 submit an application to another school district
8 8 according to section 282.18 at any time. Applications
8 9 and notices required by section 282.18 shall be
8 10 processed and provided in a prompt manner. The
8 11 application and notice deadlines in section 282.18 do
8 12 not apply to a nonresident student application under
8 13 these circumstances.

8 14 Sec. 10. NEW SECTION. 256F.10 REPORTS.

8 15 1. A charter school shall report at least annually
8 16 to the school board, advisory council, and the state
8 17 board the information required by the school board,
8 18 advisory council, or the state board. The reports are
8 19 public records subject to chapter 22.

8 20 2. Not later than December 1, 2003, and annually
8 21 thereafter, the state board shall submit a
8 22 comprehensive report, with findings and
8 23 recommendations, to the senate and house standing
8 24 committees on education. The report shall evaluate
8 25 the state's charter school programs generally,
8 26 including but not limited to, an evaluation of whether
8 27 the pilot programs are fulfilling the purposes set
8 28 forth in section 256F.4, subsection 2. The report
8 29 also shall contain, for each charter school, a copy of
8 30 the charter school's mission statement, attendance
8 31 statistics and dropout rate, aggregate assessment test
8 32 scores, projections of financial stability, the number
8 33 and qualifications of teachers and administrators, and
8 34 number of and comments on supervisory visits by the
8 35 department of education.

8 36 Sec. 11. NEW SECTION. 256F.11 FUTURE REPEAL.
8 37 This chapter is repealed effective July 1, 2010.

8 38 Sec. 12. Section 257.31, subsection 5, paragraph
8 39 d, is amended to read as follows:

8 40 d. The closing of a nonpublic school, wholly or in
8 41 part, or the opening or closing of a pilot charter
8 42 school.

8 43 Sec. 13. Section [282.18](#), subsection 16, Code 2001,
8 44 is amended to read as follows:

8 45 16. For purposes of this section, "good cause"
8 46 means a change in a child's residence due to a change
8 47 in family residence, a change in the state in which
8 48 the family residence is located, a change in a child's
8 49 parents' marital status, a guardianship proceeding,
8 50 placement in foster care, adoption, participation in a
9 1 foreign exchange program, or participation in a
9 2 substance abuse or mental health treatment program, or
9 3 a similar set of circumstances consistent with the
9 4 definition of good cause; a change in the status of a
9 5 child's resident district, such as removal of
9 6 accreditation by the state board, surrender of
9 7 accreditation, or permanent closure of a nonpublic
9 8 school, revocation of a charter school contract as
9 9 provided in section 256F.8, the failure of
9 10 negotiations for a whole-grade sharing,
9 11 reorganization, dissolution agreement or the rejection
9 12 of a current whole-grade sharing agreement, or
9 13 reorganization plan, or a similar set of circumstances
9 14 consistent with the definition of good cause. If the
9 15 good cause relates to a change in status of a child's
9 16 school district of residence, however, action by a
9 17 parent or guardian must be taken to file the
9 18 notification within forty-five days of the last board
9 19 action or within thirty days of the certification of
9 20 the election, whichever is applicable to the
9 21 circumstances.

9 22 Sec. 14. EXPEDITED APPLICATION PROCEDURE. The
9 23 state board of education shall develop an expedited
9 24 charter school application procedure for the fiscal
9 25 year beginning July 1, 2003, for purposes of receiving
9 26 federal planning funds issued pursuant to the federal
9 27 Elementary and Secondary Education Act of 1965, Title
9 28 X, Part C, as codified in 20 U.S.C. }} 8061-8067.

9 29 Sec. 15. EMERGENCY RULES. The state board of
9 30 education may adopt emergency rules under section
9 31 17A.4, subsection 2, and section 17A.5, subsection 2,
9 32 paragraph "b", to implement this Act and the rules
9 33 shall be effective immediately upon filing unless a
9 34 later date is specified in the rules. Any rules
9 35 adopted in accordance with this section shall also be
9 36 published as a notice of intended action as provided
9 37 in section 17A.4."

9 38 #2. Title page, lines 1 and 2, by striking the
9 39 following: "and providing for a conditional effective
9 40 date".

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9 44 COMMITTEE ON [EDUCATION](#),

9 45 GRUNDBERG of Polk, Chairperson

9 46 [SF 348.313](#) 79

9 47 kh/cf