

House File 813

H-1244

1 Amend House File 813 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 256E.1 Establishment of charter
5 schools — purpose.

6 1. Charter schools shall be part of the state's program of
7 public education and shall have all the powers and duties of a
8 school district except the power of taxation, unless otherwise
9 provided in this chapter.

10 2. A charter school is entrusted with public funds for
11 the purpose of improving student outcomes, including but not
12 limited to student academic achievement and skill proficiency,
13 and the governing board of the charter school is responsible
14 for overseeing such improvement.

15 3. A charter school may be established by either of the
16 following methods:

17 a. A school board may create a founding group, either
18 on the school board's own motion or upon the school board's
19 approval of a proposal to create a founding group submitted
20 to the school board by a group of persons or an education
21 service provider, to apply to the state board for approval to
22 establish and operate a charter school within and as a part of
23 the school district by establishing a new attendance center,
24 creating a new school within an existing attendance center, or
25 by converting an existing attendance center to charter status.

26 b. A founding group may apply to the state board for
27 approval to establish and operate a charter school within the
28 boundaries of the state that operates as a new attendance
29 center independently from a public school district.

30 4. In addition to subsection 2, the purpose of a charter
31 school established pursuant to this chapter shall be to
32 accomplish the following:

33 a. Improve student learning, well-being, and postsecondary
34 success, and course credit recovery leading to graduation for
35 students not enrolled in school and lacking a high school

1 diploma.

2 *b.* Increase learning opportunities for students in areas
3 of need in this state, including but not limited to science,
4 technology, engineering, and math (STEM), and science,
5 technology, engineering, arts, and math (STEAM).

6 *c.* Increase opportunities for work-based learning, early
7 literacy intervention, and serving at-risk populations.

8 *d.* Accelerating student learning to prevent learning loss
9 during the COVID-19 pandemic and other significant disruptions
10 to student learning.

11 *e.* Encourage the use of evidence-based practices in
12 innovative environments.

13 *f.* Require the measurement and evaluation of program
14 implementation and learning outcomes.

15 *g.* Establish models of success for Iowa schools.

16 *h.* Create new professional opportunities for teachers and
17 other educators.

18 *i.* Investigate and establish different organizational
19 structures for schools to use to implement a multi-tiered
20 system of supports for students.

21 *j.* Allow greater flexibility to meet the education needs of
22 a diverse student population and changing workforce needs.

23 *k.* Allow for the flexible allocation of resources through
24 implementation of specialized school budgets for the benefit
25 of the schools served.

26 *l.* Allow greater flexibility for districts and schools to
27 focus on closing gaps in student opportunity and achievement
28 for all students from preschool through postsecondary
29 preparation.

30 5. A nonpublic school or a religiously affiliated school
31 shall not apply as a founding group to become or establish a
32 charter school under this chapter.

33 6. The state board of education shall be the only authorizer
34 of charter schools under this chapter.

35 Sec. 2. NEW SECTION. 256E.2 Definitions.

1 As used in this chapter, unless the context otherwise
2 requires:

3 1. *"Attendance center"* means a school building that contains
4 classrooms used for instructional purposes for elementary,
5 middle, or secondary school students.

6 2. *"Charter school"* means a brick and mortar school
7 established in accordance with this chapter.

8 3. *"Department"* means the department of education.

9 4. *"Education service provider"* means an education
10 management organization or charter school management
11 organization that is a highly successful charter school
12 operator and with whom a charter school contracts for
13 educational program implementation or comprehensive management.

14 5. *"Founding group"* means a group of persons or an education
15 service provider that develops and submits an application for a
16 charter school to the state board under this chapter.

17 6. *"Governing board"* means the independent board of a
18 charter school whose members are either elected by the parents
19 and guardians of students enrolled in the charter school if the
20 charter school is established as provided under section 256E.1,
21 subsection 3, paragraph "b", or are appointed by the school
22 board if the charter school is established as provided under
23 section 256E.1, subsection 3, paragraph "a".

24 7. *"Highly successful charter school operator"* means an
25 education management organization or charter school management
26 organization, or the principal officers of such organization,
27 that operates as a nonprofit corporation with one or more
28 existing highly successful charter schools that have been in
29 existence and under the same operation and ownership for a
30 minimum of ten years, each of which have exhibited sustained
31 high levels of student growth and achievement and sustained
32 fiscal growth for a minimum of ten years. *"Highly successful
33 charter school operator"* does not include an organization that
34 has previously operated charter schools in other areas that
35 were closed for failure to meet targeted student achievement

1 measures, for lack of enrollment, or for a lack of financial
2 viability.

3 8. "*School board*" means a board of directors regularly
4 elected by the registered voters of an accredited public school
5 district.

6 9. "*State board*" means the state board of education.

7 Sec. 3. NEW SECTION. 256E.3 Department — duty to monitor.

8 The department shall monitor the effectiveness of charter
9 schools and shall implement the applicable provisions of this
10 chapter.

11 Sec. 4. NEW SECTION. 256E.4 Application.

12 1. The founding group's application submitted to the state
13 board shall demonstrate the founding group's academic and
14 operational vision and plans for the proposed charter school,
15 demonstrate the founding group's capacity to execute the vision
16 and plans, and provide the state board a clear basis for
17 assessing the founding group's plans and capacity.

18 2. The state board shall establish appropriate application
19 timelines and deadlines for the submission of charter school
20 applications.

21 3. The instructions for completing an application shall
22 include or otherwise inform applicants of all of the following:

23 a. The performance framework adopted by the state board
24 for charter school oversight and evaluation requirements in
25 accordance with sections 256E.8 and 256E.9.

26 b. The criteria the state board will use in evaluating
27 applications.

28 c. The requirements concerning the format and content
29 essential for applicants to demonstrate the capacities
30 necessary to establish and operate a successful charter school.

31 4. An application submitted under this section shall also
32 include all of the following items related to the proposed
33 charter school:

34 a. An executive summary.

35 b. The mission and vision of the proposed charter school,

1 including identification of the targeted student population and
2 the community the charter school intends to serve.

3 *c.* The location of the proposed charter school or the
4 proposed geographic area where the school is proposed to be
5 located.

6 *d.* Identification of the grades to be served each school
7 year during the duration of the charter school contract.

8 *e.* Minimum, planned, and maximum enrollment per grade for
9 each school year during the duration of the charter school
10 contract.

11 *f.* If the proposed charter school will operate independently
12 from a school district, evidence of need and community support.
13 Evidence of community support shall include at least all of the
14 following:

15 (1) A petition in support of the proposed charter school
16 signed by eligible electors equal in number to the greater of
17 one hundred or thirty percent of the number of voters who cast
18 a vote for the board of directors of the school district at the
19 last preceding election of school officials under section 277.1
20 for the school district where the charter school is proposed
21 to be located.

22 (2) Evidence of a public hearing held regarding
23 establishing the charter school, including the number of
24 participants and a summary of the comments presented in support
25 and opposition to the charter school proposal. Notice of the
26 public hearing shall be given in the manner required in section
27 24.9.

28 *g.* The Iowa school performance profiles for the school
29 districts in the geographic area where the charter school
30 is proposed to be located, if available, including specific
31 achievement information for the type of students to be served
32 by the charter school with the goal to serve all students who
33 enroll.

34 *h.* Background information on the members of the founding
35 group including the disclosure of any ownership or financial

1 interest in the charter school, including but not limited to
2 the building and real property to be used in the operation of
3 the charter school.

4 *i.* Background information on the governing board,
5 including the initial appointment of a governing board
6 prior to election of such board members, administration, and
7 management personnel of the proposed charter school, if such
8 board members and personnel are known. If board members are
9 appointed or elected subsequent to approval of the charter
10 school application and administration or management personnel
11 are selected and contracted with after approval of the charter
12 school application, background information on such members
13 and personnel shall be provided to the state board prior to
14 entering in a charter school contract.

15 *j.* The charter school's proposed operations calendar and
16 sample daily schedule.

17 *k.* A description of the academic program and identification
18 of ways the program aligns with state academic standards.

19 *l.* A description of the charter school's attendance policy,
20 including whether a student can be expelled for violation of
21 the charter school's attendance policy.

22 *m.* A description of the charter school's instructional
23 model, including the type of learning environment, class size
24 and structure, curriculum overview, and teaching methods.

25 *n.* The charter school's plan for using internal and external
26 assessments to measure and report student progress on the
27 performance framework in accordance with section 256E.8.

28 *o.* Plans for identifying and serving students with
29 disabilities, students who are limited English proficient,
30 students of low socioeconomic status, at-risk students,
31 minority students, students who are academically failing or
32 below grade level, and gifted students, including but not
33 limited to compliance with applicable laws and regulations.

34 *p.* The specific statutes and administrative rules with which
35 the charter school does not intend to comply. The department

1 shall provide technical assistance to the applicant concerning
2 statutes and administrative rules that may be waived under the
3 charter school contract in order to facilitate the goals of the
4 charter school.

5 *q.* A description of cocurricular and extracurricular
6 programs and how the programs will be funded and delivered.

7 *r.* Plans and timelines for student recruitment, enrollment,
8 and transfers, including enrollment preferences and procedures
9 for conducting transparent admissions selections, including
10 admissions lotteries.

11 *s.* The proposed code of student conduct, including
12 applicable procedures and disciplinary sanctions for both
13 general students and special education students.

14 *t.* A chart or description of the charter school's
15 organizational structure and the duties and powers of each
16 position or group, including the delineation of authority and
17 reporting between the governing board, administration, staff,
18 and any related bodies or external organizations that have a
19 role in managing the charter school.

20 *u.* A staffing chart for the charter school's first year
21 and a staffing plan for the duration of the charter school
22 contract.

23 *v.* Plans for recruiting and developing school
24 administrators, staff, and governing board members and the
25 charter school's employment policies, including performance
26 evaluation plans.

27 *w.* Proposed governing bylaws for the charter school,
28 including the method of appointment of temporary members prior
29 to the election of a governing board, if applicable.

30 *x.* Identification and explanation of any partnerships or
31 contractual relationships with the founding group or any of the
32 founding group, the governing board, or school board's members
33 that are related to the charter school's operations or mission.

34 *y.* The charter school's plans for providing transportation
35 services, food service, and all other operational or ancillary

1 services, including the manner in which the charter school will
2 comply with federal and state laws and regulations relating to
3 the federal National School Lunch Act and the federal Child
4 Nutrition Act of 1966, 42 U.S.C. §1751-1785, and chapter 283A.

5 *z.* Proposed opportunities and expectations for parent
6 involvement.

7 *aa.* A detailed school start-up plan and five-year plan,
8 including all relevant assumptions used, identifying timelines
9 for charter school finances, budget, and insurance coverage,
10 facility construction, preparation, and contingencies, and the
11 identification of persons or positions responsible for each
12 such item. The financial and budget information contained in
13 the start-up plan shall include a detailed description of the
14 charter school's funding for the first year of operation and
15 the percentage of the charter school's funding in each year
16 that will be dedicated to direct classroom expenditures.

17 *ab.* Evidence of anticipated fundraising contributions, if
18 any.

19 *ac.* Evidence of the founding group's success in serving
20 student populations similar to that which is proposed in the
21 application and if the founding group operates other charter
22 schools, evidence of past performance of such other charter
23 schools and evidence of the founding group's capacity for an
24 additional charter school.

25 *ad.* A description of the charter school governing board's
26 performance evaluation measures, methods of contract oversight
27 and dispute resolution, and investment disclosure and conflicts
28 of interest policies.

29 *ae.* A proposed duration and outline of the charter school
30 contract, including designation of roles, authority, and duties
31 of the governing board and the charter school staff.

32 *af.* If the application includes a proposal that the
33 governing board contracts with an education service provider,
34 evidence of the education service provider's success in serving
35 student populations similar to that which is proposed in the

1 application and if the education service provider operates
2 other charter schools, evidence of past performance of such
3 other charter schools and evidence of the education service
4 provider's capacity for growth. Information required under
5 this paragraph shall also include other charter schools
6 proposed by the education service provider or operated by the
7 education service provider that did not open or that have
8 closed.

9 *ag.* If the application includes a proposal that the
10 governing board contracts with an education service provider,
11 a description of the education service provider's performance
12 evaluation measures, compensation structure, methods of
13 contract oversight and dispute resolution, and investment
14 disclosure and conflicts of interest policies.

15 5. If the founding group proposes to establish a charter
16 school by converting an existing attendance center of the
17 school district, the state board shall not approve the
18 application unless the founding group submits evidence that
19 the attendance center's principal, teachers, and parents or
20 guardians of students enrolled at the existing attendance
21 center voted in favor of the conversion. A vote in favor of
22 conversion under this subsection requires the support of the
23 principal and at least fifty percent of the teachers employed
24 at the school on the date of the vote and at least fifty percent
25 of the parents or guardians voting whose children are enrolled
26 at the attendance center, provided that a majority of the
27 parents or guardians eligible to vote participate in the ballot
28 process. A parent or guardian voting in accordance with this
29 subsection must be a resident of this state.

30 6. If the founding group proposes to establish a charter
31 school that operates independently from a school district,
32 the founding group shall provide notice and a copy of the
33 application to the school board of each school district the
34 territory of which are in whole or in part within the charter
35 school's proposed attendance area to be served at least thirty

1 days prior to submitting an application to the state board.
2 The purpose of the notice is to inform the applicable school
3 districts that the founding group is seeking approval for a
4 charter school. The notice shall also include an offer for
5 the founding group to attend a school board meeting of each
6 applicable school district if so requested. Evidence of the
7 notice and any information derived from any school board
8 meeting attended by the founding group shall be included as
9 part of the application.

10 7. Prior to making a decision on an application for a
11 charter school that operates independently from a school
12 district, the state board shall do all of the following:

13 a. Hold a public hearing in the geographic area in which the
14 charter school is proposed to be located. Notice of the public
15 hearing shall be given in the manner required in section 24.9.

16 b. Provide a copy of the state board's recommendation
17 following the public hearing under paragraph "a", along with a
18 notice of a state board hearing date to the school district in
19 which the proposed charter school will be physically located.
20 The notice shall specify the process for submitting written
21 comments and for testifying at the state board hearing.

22 c. At the hearing under paragraph "b", and prior to final
23 decision of the state board, consider the community input
24 received related to the student, taxpayer, and community
25 interests of the affected school districts relative to the
26 needs of the students potentially served by the charter school.

27 8. Following completion of the process required under this
28 section, the state board shall do all of the following:

29 a. Evaluate the charter school application using the
30 principles and standards for quality charter school authorizing
31 developed by the national association of charter school
32 authorizers, including a thorough evaluation of the written
33 application and an in-person interview with the founding group.

34 b. Approve a charter school application only if the
35 founding group has complied with the requirements of this

1 chapter, has demonstrated competence in each element of the
2 approval criteria, is likely to open and operate a successful
3 charter school, and, if the charter school will operate as
4 provided under section 256E.1, subsection 3, paragraph "b", the
5 applicant is a highly successful charter school operator or
6 intends to contract with an educational service provider who is
7 a highly successful charter school operator.

8 c. Make application decisions on documented evidence
9 collected through the application review process, including
10 but not limited to testimony presented by the public and an
11 analysis of the fiscal impact on each school district in the
12 charter school's proposed attendance area to be served, and the
13 impact on the school district in which the charter school will
14 be located.

15 d. Adhere to the policies and criteria that are transparent,
16 based on merit, and avoid conflicts of interest or any
17 appearance thereof.

18 9. a. The state board shall approve or deny a charter
19 school application no later than seventy-five calendar days
20 after the application is received. If the state board denies
21 an application, the state board shall provide notice of denial
22 to the founding group in writing within thirty days after the
23 state board's action. The notice shall specify the exact
24 reasons for denial and provide documentation supporting those
25 reasons. An approval decision may include, if appropriate,
26 reasonable conditions that the founding group must meet before
27 a charter school contract may be executed pursuant to section
28 256E.5. An approved charter application shall not serve as a
29 charter school contract.

30 b. The state board shall not approve a charter school
31 application if the founding group intends to contract with an
32 education service provider that does not meet the definition of
33 a highly successful charter school.

34 c. The state board shall not approve a charter school
35 application if approval would result in more than five charter

1 schools that are not geographically dispersed.

2 *d.* The state board shall not approve a charter school
3 application if approval would result in more than one charter
4 school in a major metropolitan area as defined by the United
5 States census bureau.

6 *e.* The state board shall not approve a charter school
7 application if the founding group is applying for more than one
8 charter school, if the founding group has multiple applications
9 before the state board, or if the founding group is proposing
10 to contract with an education service provider that is included
11 in a different founding group's application before the board.

12 *f.* The state board shall not approve a charter school
13 application if the charter school's proposed attendance area to
14 be served includes an area already served by a charter school.

15 10. A decision of the state board relating to an application
16 under this section is not appealable.

17 11. An unsuccessful applicant under this section may
18 subsequently reapply to the state board.

19 **Sec. 6. NEW SECTION. 256E.5 Charter school contract.**

20 1. Within the later of thirty days following approval of
21 a charter school application or upon the satisfaction of all
22 reasonable conditions imposed on the applicant in the charter
23 school approval, if any, an enforceable and renewable charter
24 school contract shall be executed between the founding group
25 and the state board setting forth the academic and operational
26 performance expectations and measures by which the charter
27 school will be evaluated pursuant to sections 256E.8 and 256E.9
28 and the other rights and duties of the parties.

29 2. An initial charter school contract shall be granted for a
30 term of five school budget years. The charter school contract
31 shall include the beginning and ending dates of the charter
32 school contract term. An approved charter school may delay its
33 opening for a period of time not to exceed one school year in
34 order to plan and prepare for the charter school's opening. If
35 the charter school requires an opening delay of more than one

1 school year, the charter school may request an extension from
2 the state board.

3 3. Each charter school contract shall be signed by the
4 president of the state board and either the president or
5 appropriate officer of the governing body of the founding group
6 or the school board president if the charter school is operated
7 within and as part of a school district.

8 4. Within fifteen days of the execution of a charter school
9 contract entered into by the state board, the state board shall
10 notify the department and the department of management of the
11 name of the charter school and any applicable education service
12 provider, the proposed location of the charter school, and the
13 charter school's first year projected enrollment.

14 5. A charter school approved under this chapter shall not
15 commence operations without a valid charter school contract
16 executed in accordance with this section and approved in an
17 open session of the state board.

18 6. The contract may provide for requirements or conditions
19 to govern and monitor the start-up progress of an approved
20 charter school prior to the opening of the charter school
21 including but not limited to conditions to ensure that the
22 charter school meets all building, health, safety, insurance,
23 and other legal requirements.

24 **Sec. 7. NEW SECTION. 256E.6 General operating powers and**
25 **duties.**

26 1. In order to fulfill the charter school's public purpose,
27 a charter school established under this chapter shall be
28 operated in the same manner as a public school attendance
29 center and, unless otherwise provided in this chapter, shall
30 have all the powers necessary for carrying out the terms of
31 the charter school contract including but not limited to the
32 following, as applicable:

33 a. Receive and expend funds for charter school purposes.

34 b. Secure appropriate insurance and enter into contracts and
35 leases. However, a charter school operated within and as part

1 of a school district shall not pledge, assign, or encumber the
2 school district's assets to be used as collateral for loans or
3 extensions of credit without authority conferred by resolution
4 of the school board.

5 *c.* Contract with an education service provider for the
6 management and operation of the charter school so long as the
7 governing board retains oversight authority over the charter
8 school.

9 *d.* Incur debt in anticipation of the receipt of public or
10 private funds.

11 *e.* Pledge, assign, or encumber the charter school's assets
12 to be used as collateral for loans or extensions of credit.

13 *f.* Solicit and accept gifts or grants for charter school
14 purposes unless otherwise prohibited by law or by the terms of
15 its charter school contract.

16 *g.* Acquire from public or private sources real property for
17 use as a charter school or a facility directly related to the
18 operations of the charter school.

19 *h.* Sue and be sued in the charter school's own name.

20 *i.* Operate an education program that may be offered by any
21 noncharter public school or school district.

22 2. A charter school established under this chapter is
23 exempt from all state statutes and rules applicable to a school
24 district, except that the charter school and the governing
25 board shall do all of the following:

26 *a.* Meet all applicable federal, state, and local health and
27 safety requirements and laws prohibiting discrimination on the
28 basis of race, creed, color, sex, sexual orientation, gender
29 identity, national origin, religion, ancestry, or disability.
30 If approved under section 256E.1, subsection 3, paragraph
31 "a", the charter school shall be subject to any court-ordered
32 desegregation in effect for the school district at the time
33 the charter school application is approved, unless otherwise
34 specifically provided for in the desegregation order.

35 *b.* Operate as a nonsectarian, nonreligious school and

1 religious instruction in the charter school is prohibited.

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

4 *d.* Be subject to and comply with chapters 216 and 216A
5 relating to civil and human rights.

6 *e.* Provide special education services in accordance with
7 chapter 256B.

8 *f.* Be subject to the same financial audits, audit
9 procedures, and audit requirements as a school district. The
10 audit shall be consistent with the requirements of sections
11 11.6, 11.14, 11.19, and 279.29, and section 256.9, subsection
12 20, except to the extent deviations are necessary because
13 of the program at the school. The department, the auditor
14 of state, or the legislative services agency may conduct
15 financial, program, or compliance audits.

16 *g.* Be subject to and comply with the provisions of chapter
17 285 relating to the transportation of students.

18 *h.* Be subject to and comply with the requirements of section
19 256.7, subsection 21, and the educational standards of section
20 256.11, unless specifically waived by the state board during
21 the application process.

22 *i.* Provide instruction for at least the number of days
23 or hours required by section 279.10, subsection 1, unless
24 specifically waived by the state board as part of the
25 application process.

26 *j.* Be subject to and comply with the provisions of chapters
27 21 and 22.

28 *k.* Be subject to and comply with the provisions of chapter
29 26.

30 *l.* Comply with the requirements of this chapter.

31 3. A charter school shall employ or contract with teachers
32 and administrators as defined in section 272.1, who hold valid
33 licenses with an endorsement for the type of instruction or
34 service for which the teacher or administrator is employed or
35 under contract. All instruction must be provided under the

1 direction of appropriately licensed or certified staff or staff
2 with appropriate endorsements.

3 4. A charter school shall not discriminate in its student
4 admissions policies or practices on the basis of intellectual
5 or athletic ability, measures of achievement or aptitude, or
6 status as a person with a disability. However, a charter
7 school may limit admission to students who are within a
8 particular range of ages or grade levels or on any other basis
9 that would be legal if initiated by a school district. A
10 charter school shall not use an entrance or placement exam to
11 deny enrollment to an eligible student. Enrollment priority
12 shall be given to the siblings of students enrolled in a
13 charter school.

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

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

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

32 8. Individuals compensated by an education service provider
33 are prohibited from serving as a voting member on the governing
34 board of any charter school.

35 9. If the charter school is operated by an education service

1 provider, the governing board of the charter school shall have
2 access to all records of the education service provider that
3 are necessary to evaluate any provision of the contract or
4 evaluate the education service provider's performance under the
5 contract.

6 10. If the charter school operates independently from
7 a public school district as provided under section 256E.1,
8 subsection 3, paragraph "b", members of the founding group and
9 persons compensated by the founding group are prohibited from
10 serving as a voting member of the governing board.

11 **Sec. 8. NEW SECTION. 256E.7 Funding.**

12 1. Each student enrolled in a charter school established
13 under this chapter shall be counted, for state school
14 foundation purposes, in the student's district of residence
15 pursuant to section 257.6, subsection 1, paragraph "a",
16 subparagraph (9), including any applicable amounts under
17 section 256B.9. For purposes of this section, residence means
18 a residence under section 282.1.

19 2. The school district of residence shall pay to the charter
20 school in which the student is enrolled in the manner required
21 under section 282.18, and pursuant to the timeline in section
22 282.20, subsection 3, an amount equal to the sum of the state
23 cost per pupil for the previous school year plus the teacher
24 leadership supplement state cost per pupil for the previous
25 fiscal year as provided in section 257.9 plus any moneys
26 received for the pupil as a result of the non-English speaking
27 weighting under section 280.4, subsection 3, for the previous
28 school year multiplied by the state cost per pupil for the
29 previous year. If a student is an eligible pupil under section
30 261E.6, the charter school shall pay the tuition reimbursement
31 amount to an eligible postsecondary institution as provided
32 in section 261E.7. If the student is no longer eligible for
33 non-English speaking weighting under section 280.4, subsection
34 3, as a result of proficiency, the amount required to be paid
35 to the charter school as the result of non-English speaking

1 weighting shall be zero. For a student requiring special
2 education, the school district of residence shall pay to the
3 charter school the actual costs incurred in providing the
4 appropriate special education.

5 3. If necessary, and pursuant to rules adopted by the state
6 board, funding amounts required under this section for the
7 first school year of a new charter school shall be based on
8 enrollment estimates for the charter school included in the
9 charter school contract and shall be paid by the department of
10 education from the appropriation under subsection 4. Initial
11 amounts paid using estimated enrollments shall be reconciled
12 during the subsequent payment based on actual enrollment of the
13 charter school during the first school year.

14 4. There is appropriated annually from the general fund of
15 the state to the department of education an amount necessary
16 to pay all applicable amounts to charter schools for the first
17 school year of each new charter school under subsection 3 and
18 the amount otherwise required to be paid under subsection 2 for
19 a student enrolled in the charter school who was not included
20 in the actual enrollment of the district of residence under
21 section 257.6, subsection 1, in the previous school year.

22 5. If a student leaves the charter school and enrolls in
23 a public school district, the charter school shall pay to
24 the district in which the student enrolls a prorated amount
25 of funding associated with the remainder of the school year.
26 If the amount paid to the charter school for the student's
27 enrollment was paid under subsection 4 and the student leaves
28 the charter school but does not enroll in a public school
29 district, the charter school shall repay to the department
30 of education a prorated amount of the funding of the student
31 associated with the remainder of the school year.

32 **Sec. 9. NEW SECTION. 256E.8 Performance framework.**

33 1. The performance provisions within the charter school
34 contract shall be based on a performance framework adopted
35 by the state board that clearly sets forth the academic and

1 operational performance indicators, measures, and metrics that
2 will guide the evaluation of the charter school by the state
3 board, without compromising individual student privacy. The
4 performance framework shall include but is not limited to
5 indicators, measures, and metrics for all of the following:

- 6 *a.* Student academic proficiency.
- 7 *b.* Student academic growth.
- 8 *c.* Achievement gaps in both proficiency and growth between
9 specified populations or groups of students, including groups
10 based on gender, race, poverty, special education status,
11 limited English proficiency, and gifted status.
- 12 *d.* Attendance.
- 13 *e.* Enrollment attrition.
- 14 *f.* Postsecondary readiness for students in grades nine
15 through twelve.
- 16 *g.* Goals specified in the charter school's mission.
- 17 *h.* Financial performance and sustainability.
- 18 *i.* Governing board performance and stewardship, including
19 compliance with all applicable laws, regulations, and terms of
20 the charter contract.

21 2. Annual performance targets shall be agreed upon between
22 each charter school and the state board. Such performance
23 targets shall be contained in the charter school contract and
24 shall be designed to help each charter school meet applicable
25 federal, state, and local standards. The performance targets
26 contained in the charter school contract may be amended by
27 mutual agreement after the charter school is operating and has
28 collected initial achievement data for the charter school's
29 students.

30 3. The state board is responsible for collecting,
31 analyzing, and reporting all data from state assessments and
32 other state data sources in accordance with the performance
33 framework. However, all efforts shall be made by all
34 parties to the charter school contract to eliminate or reduce
35 duplicative data reporting requirements.

1 4. Each charter school established under this chapter
2 shall be evaluated and graded by the department pursuant to
3 the attendance center performance ranking system developed and
4 adopted by the department.

5 Sec. 10. NEW SECTION. **256E.9 Oversight — corrective action**
6 **— contract renewal — revocation.**

7 1. The state board shall monitor the performance and
8 compliance of each charter school the state board approves,
9 including collecting and analyzing data according to the
10 charter school contract in order to meet the requirements
11 of this chapter. Such oversight may include inquiries and
12 investigation of the charter school so long as the activities
13 are consistent with the intent of this chapter, adhere to the
14 terms of the charter school contract, and do not unduly inhibit
15 the autonomy granted to the charter school. Any performance
16 report resulting from an inquiry or investigation under this
17 section shall, upon conclusion of such action, be included in
18 the annual report required under section 256E.11.

19 2. As part of the charter school contract, the charter
20 school shall be required to submit an annual report to assist
21 the state board in evaluating the charter school's performance
22 and compliance with the performance framework.

23 3. If a charter school's performance under the charter
24 school contract or compliance with applicable laws or rules is
25 unsatisfactory, the state board shall notify the charter school
26 of the perceived problem and provide reasonable opportunity for
27 the school to remedy the problem, unless the problem warrants
28 revocation, in which case the revocation provisions of this
29 section apply.

30 4. If at any time during a fiscal year, a charter school
31 knows or reasonably should know that the charter school has
32 or will become unable to pay in full the charter school's
33 projected expenses as such expenses become due, the governing
34 board shall immediately notify the state board and shall
35 provide the state board with all financial information relating

1 to revenues and expenses of the charter school necessary for
2 the state board to determine the extent and cause of any
3 potential operating deficit.

4 5. The state board shall take appropriate corrective
5 actions or impose sanctions, up to and including revocation, in
6 response to deficiencies in the charter school's performance
7 or compliance with applicable laws and rules. Such actions or
8 sanctions shall include requiring the charter school to develop
9 and execute a corrective action plan within a specified time
10 period or a plan to transition students to their district of
11 residence or a neighboring district through open enrollment
12 pursuant to section 282.18, subsection 4, if revocation is
13 required.

14 6. A charter school contract may be renewed for periods of
15 time not to exceed an additional five years.

16 7. Annually, by June 30, the state board shall issue a
17 charter school performance report for each authorized charter
18 school. The performance report shall summarize the charter
19 school's performance record to date, including the school's
20 performance profile, based on the data required by the charter
21 school contract and by this chapter and shall identify concerns
22 that may jeopardize renewal of the charter school contract if
23 not remedied. The charter school shall have sixty days to
24 respond to the performance report and submit any corrections or
25 clarifications for the report.

26 8. No later than October 1, the governing board of a charter
27 school seeking renewal shall submit a renewal application
28 to the state board. Each renewal application shall comply
29 with all applicable requirements of section 256E.4, including
30 any changes to the original charter application. A renewal
31 or denial shall be approved by resolution of the state
32 board within sixty days following the filing of the renewal
33 application.

34 9. Unless eligible for expedited renewal under subsection
35 13, when reviewing a charter school contract renewal

1 application, the state board shall do all of the following:

2 *a.* Use evidence of the school's performance over the term of
3 the charter school contract in accordance with the applicable
4 performance framework, the annual financial audit of the
5 charter school, the ability to adequately serve the enrollment
6 as provided in section 256E.6, subsection 5, and the charter
7 school's performance profile.

8 *b.* Ensure that data used in making renewal decisions is
9 available to the charter school and the public.

10 *c.* Provide a report summarizing the evidence that served as
11 a basis for the decision.

12 10. A charter school contract may be revoked at any time
13 or not renewed if the state board determines that the charter
14 school did any of the following:

15 *a.* Committed a material violation of any of the terms,
16 conditions, standards, or procedures required under the charter
17 school contract or this chapter.

18 *b.* Failed to meet or make sufficient progress toward the
19 performance expectations set forth in the charter school
20 contract.

21 *c.* Failed to meet generally accepted standards of fiscal
22 management.

23 *d.* Violated a provision of law from which the charter school
24 was not exempted.

25 11. The state board shall develop charter school contract
26 revocation and nonrenewal standards and procedures that do all
27 of the following:

28 *a.* Provide the charter school with a timely notice of the
29 possibility of revocation or nonrenewal and of the reasons
30 therefor.

31 *b.* Allow the charter school a reasonable period of time in
32 which to prepare a response to any notice received.

33 *c.* Provide the charter school an opportunity to submit
34 documents and give testimony challenging the decision to revoke
35 the charter school contract or the decision to not renew the

1 contract.

2 *d.* Allow the charter school the opportunity to hire legal
3 representation and to call witnesses.

4 *e.* Permit the audio or video recording of such proceedings
5 described in paragraphs "*c*" and "*d*".

6 *f.* Require a final decision to be conveyed in writing to the
7 charter school.

8 12. A decision to revoke or to not renew a charter school
9 contract shall be by resolution of the state board and shall
10 clearly state the reasons for the revocation or nonrenewal.

11 13. If a charter school has been evaluated and graded to
12 be in the exceptional category, or the highest rated category
13 under a succeeding evaluation system, under the evaluation and
14 grading required under section 256E.8, subsection 4, and the
15 school's performance profile for the immediately preceding two
16 school years, and the charter school is in compliance with
17 the current charter school contract and all provisions of
18 this chapter, the charter school's application renewal under
19 subsection 8 shall be renewed for an additional period of time
20 equal to the length of the original charter school contract or
21 the most recent renewal of the contract, whichever is longer,
22 unless the state board provides written notice to the charter
23 school of the state board's rejection of the expedited renewal
24 within sixty days of the filing of the application. The
25 state board shall not reject an expedited renewal application
26 unless the state board finds exceptional circumstances for
27 the rejection or seeks material changes to the charter school
28 contract.

29 14. When considering a charter school renewal application,
30 the state board shall comply with the criteria for review and
31 approval of applications under section 256E.4.

32 **Sec. 11. NEW SECTION. 256E.10 Procedures for charter school**
33 **closure — student enrollment.**

34 1. Prior to any charter school closure decision, the state
35 board shall develop a charter school closure protocol to ensure

1 timely notice to parents and guardians, provide for the orderly
2 transition of students and student records to new schools, and
3 to provide proper disposition of school funds, property, and
4 assets in accordance with the requirements of this chapter.
5 The protocol shall specify required actions and timelines and
6 identify responsible parties for each such action.

7 2. In the event of a charter school closure, the assets of
8 the charter school shall be used first to satisfy outstanding
9 payroll obligations for employees of the school, then to
10 creditors of the school, then to the public school district in
11 which the charter school operated, if applicable, and then to
12 the state general fund. If the assets of the charter school
13 are insufficient to pay all obligations of the charter school,
14 the prioritization of the distribution of assets shall be
15 consistent with this subsection and otherwise determined by the
16 district court.

17 Sec. 12. NEW SECTION. 256E.11 Reports.

18 1. Each charter school shall prepare and file an annual
19 report with the department. The department shall prescribe
20 by rule the required contents of the report, but each such
21 report shall include information regarding student achievement,
22 including annual academic growth and proficiency, graduation
23 rates, and financial performance and sustainability. The
24 reports are public records and the examination, publication,
25 and dissemination of the reports are governed by the provisions
26 of chapter 22.

27 2. The state board shall prepare and file with the general
28 assembly by December 1, annually, a comprehensive report with
29 findings and recommendations relating to the charter school
30 program in the state and whether the charter school program
31 under this chapter is meeting the goals and purposes of the
32 program. The report also shall contain, for each charter
33 school, a copy of the charter school's mission statement,
34 attendance statistics and dropout rate, aggregate assessment
35 test scores, projections of financial stability, and the number

1 and qualifications of teachers and administrators.

2 Sec. 13. Section 256F.3, Code 2021, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 8A. The state board shall not approve a new
5 charter school under this chapter on or after July 1, 2021.

6 Sec. 14. NEW SECTION. **256F.12 Operation of existing charter**
7 **schools — repeal.**

8 1. Charter schools established under this chapter prior
9 to July 1, 2021, may continue to operate under and be subject
10 to the requirements of this chapter until the charter school
11 receives approval from the state board under chapter 256E, but
12 not later than July 1, 2024.

13 2. This chapter is repealed July 1, 2024.

14 Sec. 15. Section 257.6, subsection 1, paragraph a, Code
15 2021, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (9) Resident pupils enrolled in a charter
17 school under chapter 256E or 256F.

18 Sec. 16. Section 257.31, subsection 5, paragraph d, Code
19 2021, is amended to read as follows:

20 *d.* The closing of a nonpublic school, wholly or in part, or
21 the opening or closing of a ~~pilot~~ charter school.

22 Sec. 17. Section 282.9, subsection 1, Code 2021, is amended
23 to read as follows:

24 1. Notwithstanding sections ~~275.55A~~, 256E.6, 256F.4,
25 275.55A, and 282.18, or any other provision to the contrary,
26 prior to knowingly enrolling an individual who is required
27 to register as a sex offender under chapter 692A, but who is
28 otherwise eligible to enroll in a public school, the board of
29 directors of a school district shall determine the educational
30 placement of the individual. Upon receipt of notice that a
31 student who is enrolled in the district is required to register
32 as a sex offender under chapter 692A, the board shall determine
33 the educational placement of the student. The tentative agenda
34 for the meeting of the board of directors at which the board
35 will consider such enrollment or educational placement shall

1 specifically state that the board is considering the enrollment
2 or educational placement of an individual who is required
3 to register as a sex offender under [chapter 692A](#). If the
4 individual is denied enrollment in a school district under this
5 section, the school district of residence shall provide the
6 individual with educational services in an alternative setting.

7 Sec. 18. Section 282.18, subsection 4, paragraph b, Code
8 2021, is amended to read as follows:

9 *b.* For purposes of [this section](#), “*good cause*” means a change
10 in a child’s residence due to a change in family residence, a
11 change in the state in which the family residence is located,
12 a change in a child’s parents’ marital status, a guardianship
13 or custody proceeding, placement in foster care, adoption,
14 participation in a foreign exchange program, or participation
15 in a substance abuse or mental health treatment program, a
16 change in the status of a child’s resident district such as
17 removal of accreditation by the state board, surrender of
18 accreditation, or permanent closure of a nonpublic school,
19 revocation of a charter school contract as provided in section
20 [256E.9](#) or [256F.8](#), the failure of negotiations for a whole grade
21 sharing, reorganization, dissolution agreement or the rejection
22 of a current whole grade sharing agreement, or reorganization
23 plan. If the good cause relates to a change in status of a
24 child’s school district of residence, however, action by a
25 parent or guardian must be taken to file the notification
26 within forty-five days of the last board action or within
27 thirty days of the certification of the election, whichever is
28 applicable to the circumstances.>

29 2. Title page, line 1, after <programs> by inserting <and
30 making appropriations>

INGELS of Fayette