

House File 267 - Introduced

HOUSE FILE _____
BY WISE and TYMESON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing community colleges and state universities to
2 seek approval to establish charter magnet schools and
3 increasing the number of charter schools that may be approved
4 and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2038HH 82
7 kh/gg/14

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1 1 Section 1. Section 256F.1, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. A charter school may be established by creating a new
1 4 school within an existing public school or converting an
1 5 existing public school to charter status under section 256F.3,
1 6 subsections 2 through 6, or by creating a charter magnet
1 7 school under section 256F.3, subsection 6A.
1 8 Sec. 2. Section 256F.2, subsection 3, Code 2007, is
1 9 amended to read as follows:
1 10 3. "Charter school" means, according to its context,
1 11 either a state public charter school operated as a pilot
1 12 program or a charter magnet school approved by the state board
1 13 of education pursuant to section 256F.3.
1 14 Sec. 3. Section 256F.2, Code 2007, is amended by adding
1 15 the following new subsection:
1 16 NEW SUBSECTION. 4B. "Public postsecondary institution"
1 17 means a community college established under chapter 260C or an
1 18 institution of higher education governed by the state board of
1 19 regents.
1 20 Sec. 4. Section 256F.3, subsection 1, Code 2007, is
1 21 amended to read as follows:
1 22 1. The state board of education shall apply for a federal
1 23 grant under Pub. L. No. 107=110, cited as the federal No Child
1 24 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for
1 25 purposes of providing financial assistance for the planning,
1 26 program design, and initial implementation of public charter
1 27 schools. However, if federal funds are no longer available
1 28 for purposes of this chapter, the department may continue to
1 29 approve charter school applications up to the limit specified
1 30 in subsection 6B. The department shall initiate a pilot
1 31 program to test the effectiveness of charter schools and shall
1 32 implement the applicable provisions of this chapter. The
1 33 state board shall monitor and review charter school progress
1 34 on the comprehensive school improvement plan and student
1 35 achievement goals established by a charter school pursuant to
2 1 section 256F.4 and on the performance goals and objectives
2 2 described pursuant to section 256F.5.
2 3 Sec. 5. Section 256F.3, subsection 6, Code 2007, is
2 4 amended to read as follows:
2 5 6. ~~Upon approval of an~~ If a school board approves the
2 6 application for the proposed establishment of a charter school
2 7 submitted pursuant to subsection 5, the school board shall
2 8 submit an application for approval to establish the charter
2 9 school to the state board in accordance with subsection 6B and
2 10 section 256F.5. The application shall set forth the manner in
2 11 which the charter school will provide special instruction, in
2 12 accordance with section 280.4, to students who are limited
2 13 English proficient. The application shall set forth the
2 14 manner in which the charter school will comply with federal
2 15 and state laws and regulations relating to the federal
2 16 National School Lunch Act and the federal Child Nutrition Act
2 17 of 1966, 42 U.S.C. } 1751--1785, and chapter 283A. The state
2 18 board shall approve only those applications that meet the

~~2 19 requirements specified in section 256F.1, subsection 3, and~~
~~2 20 sections 256F.4 and 256F.5. The state board may deny an~~
~~2 21 application if the state board deems that approval of the~~
~~2 22 application is not in the best interest of the affected~~
~~2 23 students. The state board shall approve not more than twenty~~
~~2 24 charter school applications. The state board shall approve~~
~~2 25 not more than one charter school application per school~~
~~2 26 district. The state board shall adopt rules in accordance~~
~~2 27 with chapter 17A for the implementation of this chapter.~~

2 28 Sec. 6. Section 256F.3, Code 2007, is amended by adding
2 29 the following new subsections:

2 30 NEW SUBSECTION. 6A. A public postsecondary institution
2 31 may apply to the state board for approval to establish a
2 32 junior-senior high, or a senior high, charter magnet school.
2 33 The application submitted by a public postsecondary
2 34 institution shall meet the requirements of subsection 6B. In
2 35 addition to the purposes set forth in section 256F.1,
3 1 subsection 3, a charter magnet school shall provide students
3 2 with a rigorous educational program with a specialized focus
3 3 that will prepare students to attain a postsecondary degree.
3 4 The specialized focus of the educational program shall include
3 5 at least one or more of the following subject areas:

- 3 6 a. Science.
- 3 7 b. Mathematics.
- 3 8 c. Engineering.
- 3 9 d. Computer science.
- 3 10 e. Biotechnology.
- 3 11 f. International studies, emphasizing foreign languages,
3 12 social sciences, and communications.

3 13 NEW SUBSECTION. 6B. An application submitted to the state
3 14 board pursuant to this section shall set forth the manner in
3 15 which the charter school will provide special instruction, in
3 16 accordance with section 280.4, to students who are limited
3 17 English proficient, and the manner in which the charter school
3 18 will comply with federal and state laws and regulations
3 19 relating to the federal National School Lunch Act and the
3 20 federal Child Nutrition Act of 1966, 42 U.S.C. } 1751==1785,
3 21 and chapter 283A. The state board shall approve only those
3 22 applications that meet the requirements specified in section
3 23 256F.1, subsection 3, and sections 256F.4 and 256F.5. The
3 24 state board may deny an application if the state board deems
3 25 that approval of the application is not in the best interest
3 26 of the affected students. The state board shall approve not
3 27 more than twenty charter school applications and not more than
3 28 five charter magnet school applications. The state board
3 29 shall approve not more than one charter school application per
3 30 school district. The state board shall adopt rules in
3 31 accordance with chapter 17A for the administration of this
3 32 chapter.

3 33 Sec. 7. Section 256F.4, subsection 4, Code 2007, is
3 34 amended to read as follows:

3 35 4. A charter school shall enroll an eligible resident
4 1 student who submits a timely application unless the number of
4 2 applications exceeds the capacity of a program, class, grade
4 3 level, or building. In this case, students must be accepted
4 4 by lot. A charter school may enroll an eligible nonresident
4 5 student who submits a timely application in accordance with
4 6 the student admission policy established pursuant to section
4 7 256F.5, subsection 1.

4 8 a. If the charter school enrolls an eligible nonresident
4 9 student, the charter school shall notify the school district
4 10 and, if applicable, the sending district not later than March
4 11 1 of the preceding school year. Transportation for the
4 12 student shall be in accordance with section 282.18, subsection
4 13 10, except as provided in paragraph "b". The sending district
4 14 shall make payments to the charter school in the manner
4 15 required under section 282.18, subsection 7.

4 16 b. Transportation to and from a charter magnet school for
4 17 a student attending the charter magnet school shall be
4 18 provided by the parent or guardian without reimbursement.
4 19 However, if the student meets the economic eligibility
4 20 requirements established by the department and state board of
4 21 education, the charter magnet school is responsible for
4 22 providing transportation or paying the pro rata cost of the
4 23 transportation to a parent or guardian for transporting the
4 24 pupil to and from the charter magnet school.

4 25 Sec. 8. Section 256F.4, subsection 7, Code 2007, is
4 26 amended to read as follows:

4 27 7. a. A charter school shall be considered a part of the
4 28 school district in which it is located for purposes of state
4 29 school foundation aid pursuant to chapter 257.

4 30 b. A student enrolled in a charter magnet school
4 31 established pursuant to section 256F.3, subsection 6A, shall
4 32 be counted, for state school foundation aid purposes, in the
4 33 pupil's district of residence. A pupil's residence, for
4 34 purposes of this section, means a residence under section
4 35 282.1. The board of directors of the district of residence
5 1 shall pay to the charter magnet school the state cost per
5 2 pupil for the previous school year, plus any moneys received
5 3 for the pupil as a result of the non-English speaking
5 4 weighting under section 280.4, subsection 3, for the previous
5 5 school year multiplied by the state cost per pupil for the
5 6 previous year. If the student enrolled in the charter magnet
5 7 school is also an eligible pupil under chapter 261C, the
5 8 receiving district shall pay the tuition reimbursement amount
5 9 to an eligible postsecondary institution as provided in
5 10 section 261C.6.

5 11 Sec. 9. Section 256F.4, Code 2007, is amended by adding
5 12 the following new subsection:
5 13 NEW SUBSECTION. 9. A charter magnet school established
5 14 pursuant to section 256F.3, subsection 6A, shall establish
5 15 graduation requirements and may award diplomas to students who
5 16 meet the graduation requirements established.

5 17 Sec. 10. Section 256F.5, subsection 4, Code 2007, is
5 18 amended to read as follows:

5 19 4. The method for appointing or forming an advisory
5 20 council for the charter school. The membership of an advisory
5 21 council appointed or formed in accordance with this chapter
5 22 shall not include more than one member of the school board if
5 23 the charter school is established pursuant to section 256F.3,
5 24 subsections 2 through 6.

5 25 Sec. 11. Section 256F.6, subsections 1 and 3, Code 2007,
5 26 are amended to read as follows:

5 27 1. An approved charter school application shall constitute
5 28 an agreement, the terms of which shall, at a minimum, be the
5 29 terms of a four-year enforceable, renewable contract between
5 30 the school board or a public postsecondary institution and the
5 31 state board. The contract shall include an operating
5 32 agreement for the operation of the charter school. The terms
5 33 of the contract may be revised at any time with the approval
5 34 of both the state board and the school board or the public
5 35 postsecondary institution, whether or not the stated
6 1 provisions of the contract are being fulfilled. The charter
6 2 school shall provide parents and guardians of students
6 3 enrolled in the charter school with a copy of the charter
6 4 school application approved pursuant to section 256F.5.

6 5 3. The state board of education shall provide by rule for
6 6 the ongoing review of a school board's or public postsecondary
6 7 institution's compliance with a contract entered into in
6 8 accordance with this chapter.

6 9 Sec. 12. Section 256F.7, subsections 2 and 3, Code 2007,
6 10 are amended to read as follows:

6 11 2. The school board, or the public postsecondary
6 12 institution in the case of a charter magnet school shall, in
6 13 consultation with the advisory council, shall decide matters
6 14 related to the operation of the school, including budgeting,
6 15 curriculum, and operating procedures.

6 16 3. Employees of a charter school shall be considered
6 17 employees of the school district, or of the public
6 18 postsecondary institution in the case of a charter magnet
6 19 school. However, sections 279.12 through 279.19 and section
6 20 279.27 shall apply to employees of a charter magnet school if
6 21 the employees are licensed by the board of educational
6 22 examiners under chapter 272. In applying those sections in
6 23 chapter 279, references to the board of directors of a school
6 24 district shall be interpreted to apply to the public
6 25 postsecondary institution.

6 26 Sec. 13. Section 256F.8, subsection 1, unnumbered
6 27 paragraph 1, Code 2007, is amended to read as follows:

6 28 A contract for the establishment of a charter school may be
6 29 revoked by the state board or the school board or public
6 30 postsecondary institution that established the charter school
6 31 if the appropriate board determines that one or more of the
6 32 following occurred:

6 33 Sec. 14. Section 256F.8, subsections 2, 3, 4, 6, and 7,
6 34 Code 2007, are amended to read as follows:

6 35 2. The decision by a school board or public postsecondary
7 1 institution to revoke or to fail to take action to renew a
7 2 charter school contract is subject to appeal under procedures
7 3 set forth in chapter 290.

7 4 3. A school board or public postsecondary institution
7 5 considering revocation or nonrenewal of a charter school

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

7 12 4. If the state board determines that a charter school is
7 13 in substantial violation of the terms of the contract, the
7 14 state board shall notify the school board or the public
7 15 postsecondary institution and the advisory council of its
7 16 intention to revoke the contract at least sixty days prior to
7 17 revoking a contract and the school board or the public
7 18 postsecondary institution shall assume oversight authority,
7 19 operational authority, or both oversight and operational
7 20 authority. The notice shall state the grounds for the
7 21 proposed action in writing and in reasonable detail. The
7 22 school board or the public postsecondary institution may
7 23 request in writing an informal hearing before the state board
7 24 within fourteen days of receiving notice of revocation of the
7 25 contract. Upon receiving a timely written request for a
7 26 hearing, the state board shall give reasonable notice to the
7 27 school board or the public postsecondary institution of the
7 28 hearing date. The state board shall conduct an informal
7 29 hearing before taking final action. Final action to revoke a
7 30 contract shall be taken in a manner least disruptive to
7 31 students enrolled in the ~~charter~~ school. The state board
7 32 shall take final action to revoke or approve continuation of a
7 33 contract by the last day of classes in the school year. If
7 34 the final action to revoke a contract under this section
7 35 occurs prior to the last day of classes in the school year, a
8 1 charter school student may enroll in the resident district.

8 2 6. A school board or public postsecondary institution
8 3 revoking a contract or a school board or public postsecondary
8 4 institution or advisory council that fails to renew a contract
8 5 under this chapter is not liable for that action to the
8 6 charter school, a student enrolled in the charter school or
8 7 the student's parent or guardian, or any other person.

8 8 7. In the case of a revocation or a nonrenewal of the
8 9 charter, the school board or public postsecondary institution
8 10 is exempt from the state board's "Barker guidelines", as
8 11 provided in 1 D.P.I. App. Dec. 145 (1977).

8 12 Sec. 15. Section 256F.10, subsection 1, Code 2007, is
8 13 amended to read as follows:

8 14 1. A charter school shall report at least annually to the
8 15 school board or the public postsecondary institution, as
8 16 applicable, advisory council, and the state board the
8 17 information required by the school board or the public
8 18 postsecondary institution, as applicable, advisory council, or
8 19 the state board. The reports are public records subject to
8 20 chapter 22.

8 21 Sec. 16. EFFECTIVE DATE. This Act, being deemed of
8 22 immediate importance, takes effect upon enactment.

8 23 EXPLANATION

8 24 This bill authorizes the state board of education to
8 25 approve up to five applications for the establishment, by
8 26 community colleges or state universities, of junior=senior
8 27 high or senior high charter magnet schools.

8 28 Code chapter 256F currently provides that a charter school
8 29 is a public school that is either a new school within an
8 30 existing public school or an existing public school converted
8 31 to charter status. The principal, teachers, or parents or
8 32 guardians of students at an existing public school who wish to
8 33 establish a charter school must submit an application to the
8 34 board of directors of the school board and, upon receiving
8 35 approval from the school board, must submit an application to
9 1 the state board of education for final approval. The bill
9 2 allows the department to continue to approve charter schools
9 3 whether or not federal funds are available. The bill directs
9 4 the state board to monitor and review charter school progress
9 5 on the comprehensive school improvement plan and student
9 6 achievement goals set by the charter schools. The bill makes
9 7 numerous changes to Code chapter 256F to allow for the
9 8 establishment of a charter magnet school by a community
9 9 college or state university and to require that a charter
9 10 magnet school and its sponsor adhere to the same requirements
9 11 currently established for charter schools established by
9 12 school districts, with the exception of the transportation
9 13 requirements.

9 14 The bill places the responsibility for providing students
9 15 with transportation to and from the charter magnet school on
9 16 the parent or guardian. However, if the student meets low=

9 17 income guidelines, the charter magnet school must provide the
9 18 transportation or reimburse the parent or guardian for
9 19 providing transportation.

9 20 Charter magnet school students are to be counted, for
9 21 school foundation aid purposes, in the student's district of
9 22 residence. The school district of residence must pay to the
9 23 charter magnet school the state cost per pupil and any moneys
9 24 received for non-English speaking weighting for the previous
9 25 school year. The school district is also responsible for the
9 26 tuition reimbursement amount if the student takes courses
9 27 under the postsecondary enrollment options Act.

9 28 A charter magnet school must provide students with a
9 29 rigorous educational program that will prepare students to
9 30 attain a postsecondary degree and establish a specialized
9 31 focus on one or more of the following subjects: science;
9 32 mathematics; engineering; computer science; biotechnology; and
9 33 international studies, emphasizing foreign languages, social
9 34 sciences, and communications. The bill permits a charter
9 35 magnet school to establish graduation requirements and award

10 1 diplomas to students.

10 2 The bill takes effect upon enactment.

10 3 LSB 2038HH 82

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