

**House File 2085 - Introduced**

HOUSE FILE 2085  
BY TYMESON

**A BILL FOR**

1 An Act relating to charter schools and charter magnet schools,  
2 and including effective date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256F.1, subsection 2, Code 2009, is  
2 amended to read as follows:

3 2. A charter school may be established by creating a new  
4 school within an existing public school or converting an  
5 existing public school to charter status under section 256F.3,  
6 subsections 2 through 6, or by creating a charter magnet school  
7 under section 256F.3A.

8 Sec. 2. Section 256F.2, Code 2009, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 2A. "*Charter magnet school*" means a charter  
11 magnet school approved by the state board of education pursuant  
12 to section 256F.3A.

13 Sec. 3. Section 256F.2, subsection 3, Code 2009, is amended  
14 to read as follows:

15 3. "*Charter school*" means a state public charter school  
16 operated as a pilot program pursuant to section 256F.3.

17 Sec. 4. Section 256F.3, subsection 1, Code 2009, is amended  
18 to read as follows:

19 1. The state board of education shall apply for a federal  
20 grant under Pub. L. No. 107-110, cited as the federal No Child  
21 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for  
22 purposes of providing financial assistance for the planning,  
23 program design, and initial implementation of public charter  
24 schools. However, if federal funds are no longer available  
25 for purposes of this chapter, the department may continue to  
26 approve public charter school applications. The department  
27 shall initiate a pilot program to test the effectiveness of  
28 charter schools and shall implement the applicable provisions  
29 of this chapter.

30 Sec. 5. Section 256F.3, subsection 6, Code 2009, is amended  
31 to read as follows:

32 6. ~~Upon approval of an~~ If a school board approves  
33 the application for the proposed establishment of a charter  
34 ~~school~~ submitted pursuant to this section, the school board  
35 shall submit an application ~~for approval to establish the~~

1 ~~charter school~~ to the state board in accordance with section  
 2 256F.3A or section 256F.5, as applicable. The application  
 3 shall set forth the manner in which the charter school or the  
 4 charter magnet school, as applicable, will provide special  
 5 instruction, in accordance with section 280.4, to students who  
 6 are limited English proficient. The application shall set  
 7 forth the manner in which the charter school or the charter  
 8 magnet school, as applicable, will comply with federal and  
 9 state laws and regulations relating to the federal National  
 10 School Lunch Act and the federal Child Nutrition Act of  
 11 1966, 42 U.S.C. § 1751 - 1785, and chapter 283A. The state  
 12 board shall approve only those applications that meet the  
 13 requirements specified in section 256F.1, subsection 3,  
 14 and sections 256F.4 and 256F.5. The state board may deny  
 15 an application if the state board deems that approval of  
 16 the application is not in the best interest of the affected  
 17 students. ~~The state board shall approve not more than twenty~~  
 18 ~~charter school applications. The state board shall approve~~  
 19 ~~not more than one charter school application per school~~  
 20 ~~district.~~ The state board shall adopt rules in accordance with  
 21 chapter 17A for the implementation of this chapter.

22 Sec. 6. NEW SECTION. **256F.3A Charter magnet school.**

23 1. One or more individuals; a nonprofit, governmental, or  
 24 other entity or organization; or an existing charter school  
 25 may apply to the state board for approval to establish a  
 26 junior-senior high, or a senior high, charter magnet school.  
 27 The application shall meet the requirements of subsection  
 28 2. In addition to the purposes set forth in section 256F.1,  
 29 subsection 3, a charter magnet school shall provide students  
 30 with a rigorous educational program with a specialized focus  
 31 that will prepare students to attain a postsecondary degree.  
 32 The specialized focus of the educational program shall include  
 33 at least one or more of the following subject areas:

- 34 a. Science.  
 35 b. Mathematics.

- 1     *c.* Engineering.
- 2     *d.* Computer science.
- 3     *e.* Biotechnology.
- 4     *f.* International studies, emphasizing foreign languages,
- 5 social sciences, and communications.

6     2. Except as otherwise provided in this chapter, a charter  
7 magnet school approved by the state board in accordance with  
8 this section is subject to the charter school provisions of  
9 section 256F.4, subsections 2 through 8, and sections 256F.5  
10 through 256F.10.

11    3. Within fifteen days after approval of a charter magnet  
12 school application submitted pursuant to subsection 1, the  
13 applicant receiving approval shall report to the department  
14 the name of the charter magnet school applicant, the proposed  
15 charter magnet school location, and its projected enrollment.

16    Sec. 7. Section 256F.4, subsection 4, Code 2009, is amended  
17 to read as follows:

18    4. A charter school shall enroll an eligible resident  
19 student who submits a timely application unless the number of  
20 applications exceeds the capacity of a program, class, grade  
21 level, or building. In this case, students must be accepted  
22 by lot. A charter school established pursuant to section  
23 256F.3 may enroll an eligible nonresident student who submits  
24 a timely application in accordance with the student admission  
25 policy established pursuant to section 256F.5, subsection 1.

26    *a.* If ~~the~~ a charter school established pursuant to section  
27 256F.3 enrolls an eligible nonresident student, the charter  
28 school shall notify the school district and, if applicable, the  
29 sending district not later than March 1 of the preceding school  
30 year. Transportation for the student shall be in accordance  
31 with section 282.18, subsection 10, except as provided in  
32 paragraph "b". The sending district shall make payments to the  
33 charter school in the manner required under section 282.18,  
34 subsection 7.

35    *b.* Transportation to and from a charter magnet school

1 for a student attending the charter magnet school shall be  
2 provided by the parent or guardian without reimbursement.  
3 However, if the student meets the economic eligibility  
4 requirements established by the department and state board  
5 of education, the charter magnet school is responsible for  
6 providing transportation or paying the pro rata cost of the  
7 transportation to a parent or guardian for transporting the  
8 pupil to and from the charter magnet school, unless the charter  
9 magnet school is established by a nongovernmental entity.

10 Sec. 8. Section 256F.4, subsection 7, Code 2009, is amended  
11 to read as follows:

12 7. a. A charter school established pursuant to section  
13 256F.3 shall be considered a part of the school district in  
14 which it is located for purposes of state school foundation aid  
15 pursuant to chapter 257.

16 b. A student enrolled in a charter magnet school established  
17 pursuant to section 256F.3A shall be counted, for state school  
18 foundation aid purposes, in the pupil's district of residence.  
19 A pupil's residence, for purposes of this section, means a  
20 residence under section 282.1. The board of directors of the  
21 district of residence shall pay to the charter magnet school  
22 the state cost per pupil for the previous school year, plus any  
23 moneys received for the pupil as a result of the non-English  
24 speaking weighting under section 280.4, subsection 3, for the  
25 previous school year multiplied by the state cost per pupil  
26 for the previous year. If the student enrolled in the charter  
27 magnet school is also an eligible pupil under section 261E.6,  
28 the charter magnet school shall pay the tuition reimbursement  
29 amount to an eligible postsecondary institution as provided in  
30 section 261E.7.

31 Sec. 9. Section 256F.4, Code 2009, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 9. A charter magnet school established  
34 pursuant to section 256F.3A shall establish graduation  
35 requirements and may award diplomas to students who meet the

1 graduation requirements established.

2 Sec. 10. Section 256F.5, subsection 4, Code 2009, is amended  
3 to read as follows:

4 4. The method for appointing or forming an advisory  
5 council for the charter school. ~~The~~ If the charter school  
6 is established pursuant to section 256F.3, the membership of  
7 an its advisory council appointed or formed in accordance with  
8 ~~this chapter~~ shall not include more than one member of the  
9 school board.

10 Sec. 11. Section 256F.6, subsections 1 and 3, Code 2009, are  
11 amended to read as follows:

12 1. An approved charter school application shall constitute  
13 an agreement, the terms of which shall, at a minimum, be  
14 the terms of a four-year enforceable, renewable contract  
15 between the school board or the charter magnet school, as  
16 appropriate, and the state board. The contract shall include  
17 an operating agreement for the operation of the charter school.  
18 The terms of the contract may be revised at any time with the  
19 approval of ~~both the state board and the school board~~ parties  
20 to the contract, whether or not the stated provisions of the  
21 contract are being fulfilled. The charter school shall provide  
22 parents and guardians of students enrolled in the charter  
23 school with a copy of the charter school application approved  
24 pursuant to section 256F.5.

25 3. The state board of education shall provide by rule  
26 for the ongoing review of ~~a school board's~~ compliance with a  
27 contract entered into in accordance with this chapter. The  
28 state board shall monitor and review charter school progress  
29 on the comprehensive school improvement plan, the student  
30 achievement goals, and the performance goals and objectives  
31 established by a charter school or a charter magnet school  
32 pursuant to section 256F.5.

33 Sec. 12. Section 256F.7, subsection 2, Code 2009, is amended  
34 to read as follows:

35 2. The school board or the charter magnet school, as

1 appropriate, shall, in consultation with the advisory council,  
2 ~~shall~~ decide matters related to the operation of the school,  
3 including budgeting, curriculum, and operating procedures.

4 Sec. 13. Section 256F.8, subsection 1, unnumbered paragraph  
5 1, Code 2009, is amended to read as follows:

6 A contract for the establishment of a charter school or  
7 charter magnet school may be revoked by the state board or the  
8 ~~school board~~ entity that established the charter school or  
9 charter magnet school if the appropriate board determines that  
10 one or more of the following occurred:

11 Sec. 14. Section 256F.8, subsections 2, 3, 4, 6, and 7, Code  
12 2009, are amended to read as follows:

13 2. The decision by ~~a school board~~ the entity that  
14 established the charter school or charter magnet school to  
15 revoke or to fail to take action to renew a charter school  
16 or charter magnet school contract is subject to appeal under  
17 procedures set forth in chapter 290.

18 3. ~~A school board~~ An entity that established a charter  
19 school or charter magnet school under this chapter and that  
20 is considering revocation or nonrenewal of a charter school  
21 or charter magnet school contract shall notify the advisory  
22 council, the parents or guardians of the students enrolled in  
23 the charter school or charter magnet school, and the teachers  
24 and administrators employed by the charter school, or charter  
25 magnet school sixty days prior to revoking or the date by which  
26 the contract must be renewed, but not later than the last day  
27 of classes in the school year.

28 4. If the state board determines that a charter school  
29 or charter magnet school is in substantial violation of  
30 the terms of the contract, the state board shall notify the  
31 ~~school board~~ entity that established the charter school or  
32 charter magnet school and the school's advisory council of  
33 ~~its~~ the intention to revoke the contract at least sixty days  
34 prior to revoking a contract and the ~~school board~~ entity shall  
35 assume oversight authority, operational authority, or both

1 oversight and operational authority. The notice shall  
2 state the grounds for the proposed action in writing and in  
3 reasonable detail. The ~~school-board~~ entity may request in  
4 writing an informal hearing before the state board within  
5 fourteen days of receiving notice of revocation of the  
6 contract. Upon receiving a timely written request for a  
7 hearing, the state board shall give reasonable notice to the  
8 ~~school-board~~ entity of the hearing date. The state board  
9 shall conduct an informal hearing before taking final action.  
10 Final action to revoke a contract shall be taken in a manner  
11 least disruptive to students enrolled in the charter school or  
12 charter magnet school. The state board shall take final action  
13 to revoke or approve continuation of a contract by the last day  
14 of classes in the school year. If the final action to revoke  
15 a contract under this section occurs prior to the last day of  
16 classes in the school year, a charter school or charter magnet  
17 school student may enroll in the resident district.

18 6. ~~A school-board~~ An entity revoking a contract, ~~or a school~~  
19 ~~board or advisory council~~ an entity that fails to renew a  
20 contract under this chapter is not liable for that action to  
21 the charter school or charter magnet school, a student enrolled  
22 in the charter school or the student's parent or guardian, or  
23 any other person.

24 7. In the case of a revocation or a nonrenewal of the  
25 charter, the ~~school-board~~ entity that established the charter  
26 school or charter magnet school is exempt from the state  
27 board's "Barker guidelines", as provided in 1 D.P.I. App. Dec.  
28 145 (1977).

29 Sec. 15. Section 256F.10, subsection 1, Code 2009, is  
30 amended to read as follows:

31 1. A charter school or charter magnet school shall report at  
32 least annually to the ~~school-board~~ entity that established the  
33 charter school or charter magnet school under this chapter, the  
34 school's advisory council, and the state board the information  
35 required by the ~~school-board~~ entity, advisory council, or the



1 state board. The reports are public records subject to chapter  
2 22.

3 Sec. 16. Section 256F.11, Code 2009, is amended to read as  
4 follows:

5 **256F.11 Future repeal.**

6 This chapter is repealed effective July 1, ~~2011~~ 2020.

7 Sec. 17. EFFECTIVE DATE. This Act, being deemed of  
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

10 This bill authorizes the state board of education to approve  
11 applications for the establishment, by individuals or entities,  
12 of junior-senior high or senior high charter schools or charter  
13 magnet schools.

14 Code chapter 256F currently provides that a charter school  
15 is a public school that is either a new school within an  
16 existing public school or an existing public school converted  
17 to charter status. The principal, teachers, or parents or  
18 guardians of students at an existing public school who wish  
19 to establish a charter school must submit an application to  
20 the board of directors of the school board and, upon receiving  
21 approval from the school board, must submit an application to  
22 the state board of education for final approval. The bill  
23 allows the department to continue to approve charter schools  
24 or charter magnet schools whether or not federal funds are  
25 available. The bill makes numerous changes to Code chapter  
26 256F to allow for the establishment of a charter magnet school  
27 by an individual or entity and to require that a charter  
28 magnet school and its sponsor adhere to the same requirements  
29 currently established for charter schools established by  
30 school districts, with the exception of the transportation  
31 requirements.

32 The bill directs the state board to monitor and review  
33 charter school or charter magnet school progress on the  
34 comprehensive school improvement plan and student achievement  
35 goals set by the charter schools or charter magnet schools.

1 The bill places the responsibility for providing students  
2 with transportation to and from nongovernmental charter  
3 magnet schools on the parent or guardian. However, if the  
4 student meets low-income guidelines, a charter magnet school  
5 must provide the transportation or reimburse the parent or  
6 guardian for providing transportation unless established by a  
7 nongovernmental entity.

8 Charter magnet school students are to be counted, for  
9 school foundation aid purposes, in the student's district of  
10 residence. The school district of residence must pay to the  
11 charter magnet school the state cost per pupil and any moneys  
12 received for non-English speaking weighting for the previous  
13 school year. The charter magnet school is responsible for the  
14 tuition reimbursement amount if a student attending a charter  
15 magnet school takes courses under the postsecondary enrollment  
16 options program.

17 A charter magnet school must provide students with a  
18 rigorous educational program that will prepare students to  
19 attain a postsecondary degree and establish a specialized  
20 focus on one or more of the following subjects: science;  
21 mathematics; engineering; computer science; biotechnology; and  
22 international studies, emphasizing foreign languages, social  
23 sciences, and communications. The bill permits a charter  
24 magnet school to establish graduation requirements and award  
25 diplomas to students.

26 The bill takes effect upon enactment.