

House Study Bill 242 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON HITE)

A BILL FOR

1 An Act modifying and establishing charter school programs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 256E.1 Establishment of charter
2 schools — purpose.

3 1. Charter schools shall be part of the state's program of
4 public education.

5 2. A charter school may be established by either of the
6 following methods:

7 a. A school board may create a founding group to apply
8 to the state board for approval to establish and operate a
9 charter school within and as a part of the school district by
10 establishing a new attendance center, creating a new school
11 within an existing attendance center, or by converting an
12 existing attendance center to charter status.

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

17 3. The purpose of a charter school established pursuant to
18 this chapter shall be to accomplish the following:

19 a. Improve student learning, well-being, and postsecondary
20 success.

21 b. Increase learning opportunities for students in areas
22 of need in this state, including but not limited to science,
23 technology, engineering, and math (STEM), and science,
24 technology, engineering, arts, and math (STEAM).

25 c. Increase opportunities for work-based learning, early
26 literacy intervention, and serving at-risk populations.

27 d. Accelerating student learning to prevent learning loss
28 during the COVID-19 pandemic and other significant disruptions
29 to student learning.

30 e. Encourage the use of evidence-based practices in
31 innovative environments.

32 f. Require the measurement and evaluation of program
33 implementation and learning outcomes.

34 g. Establish models of success for Iowa schools.

35 h. Create new professional opportunities for teachers and

1 other educators.

2 *i.* Investigate and establish different organizational
3 structures for schools to use to implement a multi-tiered
4 system of supports for students.

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

7 *k.* Allow for the flexible allocation of resources through
8 implementation of specialized school budgets for the benefit
9 of the schools served.

10 *l.* Allow greater flexibility for districts and schools to
11 focus on closing gaps in student opportunity and achievement
12 for all students from preschool through postsecondary
13 preparation.

14 4. The state board of education shall be the only authorizer
15 of charter schools under this chapter.

16 Sec. 2. NEW SECTION. **256E.2 Definitions.**

17 As used in this chapter, unless the context otherwise
18 requires:

19 1. "*Attendance center*" means a school building that contains
20 classrooms used for instructional purposes for elementary,
21 middle, or secondary school students.

22 2. "*Charter school*" means a school established in accordance
23 with this chapter.

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

25 4. "*Education service provider*" means an education
26 management organization, charter school management
27 organization, or other person with whom a charter school
28 contracts for educational program implementation or
29 comprehensive management.

30 5. "*Founding group*" means a person, group of persons,
31 or education service provider that develops and submits an
32 application for a charter school to the state board under this
33 chapter.

34 6. "*Governing board*" means the independent board of a
35 charter school whose members are elected or selected pursuant

1 to the charter school contract.

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

5 8. "State board" means the state board of education.

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

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

10 Sec. 4. NEW SECTION. 256E.4 School board-state board model.

11 1. A school board may create a founding group to apply
12 to the state board for approval to establish and operate a
13 charter school within and as a part of the school district by
14 establishing a new attendance center, creating a new school
15 within an existing attendance center, or by converting an
16 existing attendance center. The application shall demonstrate
17 the founding group's academic and operational vision and plans
18 for the proposed charter school, demonstrate the founding
19 group's capacity to execute the vision and plans, and provide
20 the state board a clear basis for assessing the founding
21 group's plans and capacity.

22 2. The state board shall adopt rules to establish
23 appropriate application timelines and deadlines for the
24 submission of charter school applications under this section.

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

27 a. The performance framework adopted by the state board
28 for charter school oversight and evaluation requirements in
29 accordance with sections 256E.9 and 256E.10.

30 b. The criteria the state board will use in evaluating
31 applications.

32 c. The requirements concerning the format and content
33 essential for applicants to demonstrate the capacities
34 necessary to establish and operate a successful charter school.

35 4. An application submitted under this section shall also

1 include all of the following items related to the proposed
2 charter school:

3 *a.* An executive summary.

4 *b.* The mission and vision of the proposed charter school,
5 including identification of the targeted student population and
6 the community the charter school intends to serve.

7 *c.* The location of the proposed charter school or the
8 proposed geographic area within the school district where the
9 school is proposed to be located.

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

12 *e.* Minimum, planned, and maximum enrollment per grade for
13 each school year during the duration of the charter school
14 contract.

15 *f.* Evidence of need and community support for the proposed
16 charter school.

17 *g.* Background information on the members of the founding
18 group and background information on the governing board,
19 administration, and management personnel of the proposed
20 charter school, if available.

21 *h.* The charter school's proposed operations calendar and
22 sample daily schedule.

23 *i.* A description of the academic program and identification
24 of ways the program aligns with state academic standards.

25 *j.* A description of the charter school's instructional
26 model, including the type of learning environment, class size
27 and structure, curriculum overview, and teaching methods.

28 *k.* The charter school's plan for using internal and external
29 assessments to measure and report student progress on the
30 performance framework in accordance with section 256E.9.

31 *l.* Plans for identifying and serving students with
32 disabilities, students who are limited English proficient,
33 students who are academically failing or below grade level, and
34 gifted students, including but not limited to compliance with
35 applicable laws and regulations.

- 1 *m.* A description of cocurricular and extracurricular
2 programs and how the programs will be funded and delivered.
- 3 *n.* Plans and timelines for student recruitment, enrollment,
4 and transfers, including enrollment preferences and procedures
5 for conducting transparent admissions selections, including
6 admissions lotteries.
- 7 *o.* The proposed code of student conduct, including
8 applicable procedures and disciplinary sanctions for both
9 general students and special education students.
- 10 *p.* A chart or description of the charter school's
11 organizational structure and the duties and powers of each
12 position or group, including the delineation of authority and
13 reporting between the governing board, administration, staff,
14 and any related bodies or external organizations that have a
15 role in managing the charter school.
- 16 *q.* A staffing chart for the charter school's first year
17 and a staffing plan for the duration of the charter school
18 contract.
- 19 *r.* Plans for recruiting and developing school
20 administrators, staff, and governing board members and the
21 charter school's employment policies, including performance
22 evaluation plans.
- 23 *s.* Proposed governing bylaws for the charter school.
- 24 *t.* Identification and explanation of any partnerships or
25 contractual relationships with the founding group or any of the
26 founding group or school board's members that are related to
27 the charter school's operations or mission.
- 28 *u.* The charter school's plans for providing transportation
29 services, food service, and all other operational or ancillary
30 services.
- 31 *v.* Proposed opportunities and expectations for parent
32 involvement.
- 33 *w.* A detailed school start-up plan and five-year plan,
34 including all relevant assumptions used, identifying timelines
35 for charter school finances, budget, and insurance coverage,

1 facility construction, preparation, and contingencies, and the
2 identification of persons or positions responsible for each
3 such item.

4 *x.* Evidence of anticipated fundraising contributions, if
5 any.

6 *y.* Evidence of the founding group's success in serving
7 student populations similar to that which is proposed in the
8 application and if the founding group operates other charter
9 schools, evidence of past performance of such other charter
10 schools and evidence of the founding group's capacity for an
11 additional charter school.

12 *z.* A description of the charter school governing board's
13 performance evaluation measures, compensation structure,
14 methods of contract oversight and dispute resolution,
15 investment disclosures and conflicts of interest.

16 *aa.* A proposed duration and outline of the charter school
17 contract, including designation of roles, authority, and duties
18 of the governing board and the charter school staff.

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

35 6. In reviewing and evaluating charter school applications,

1 the state board shall employ procedures, practices, and
2 criteria consistent with nationally recognized principles and
3 standards for reviewing charter school applications. Each
4 application review shall include thorough evaluation of the
5 written application, an in-person interview with the founding
6 group, and an opportunity in a public forum for local residents
7 to learn about and provide input on each application.

8 7. Following review of a charter school application and
9 completion of the process required under subsection 6, the
10 state board shall do all of the following:

11 a. Approve a charter school application only if the founding
12 group has demonstrated competence in each element of the
13 approval criteria and if the founding group is likely to open
14 and operate a successful charter school.

15 b. Make application decisions on documented evidence
16 collected through the application review process.

17 c. Adhere to the policies and criteria that are transparent,
18 based on merit, and avoid conflicts of interest or any
19 appearance thereof.

20 8. The state board shall approve a charter school
21 application if the application satisfies the requirements of
22 this chapter. The state board shall approve or deny a charter
23 school application no later than seventy-five calendar days
24 after the application is received. If the state board denies
25 an application, the state board shall provide notice of denial
26 to the founding group in writing within thirty days after the
27 state board's action. The notice shall specify the exact
28 reasons for denial and provide documentation supporting those
29 reasons. An approval decision may include, if appropriate,
30 reasonable conditions that the founding group must meet before
31 a charter school contract may be executed pursuant to section
32 256E.6. An approved charter application shall not serve as a
33 charter school contract.

34 9. A decision of the state board relating to an application
35 under this section is not appealable.

1 10. An unsuccessful applicant under this section may
2 subsequently reapply to the state board.

3 Sec. 5. NEW SECTION. 256E.5 Founding group-state board
4 model.

5 1. A founding group may apply to the state board for
6 approval to establish and operate a charter school within the
7 boundaries of the state that operates as a new attendance
8 center independently from a public school district. The
9 application shall demonstrate the founding group's academic
10 and operational vision and plans for the proposed charter
11 school, demonstrate the founding group's capacity to execute
12 the vision and plans, and provide the state board a clear basis
13 for assessing the founding group's plans and capacity.

14 2. The state board shall adopt rules to establish
15 appropriate application timelines and deadlines for the
16 submission of charter school applications under this section.

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

19 a. The performance framework adopted by the state board
20 for charter school oversight and evaluation requirements in
21 accordance with sections 256E.9 and 256E.10.

22 b. The criteria the state board will use in evaluating
23 applications.

24 c. The requirements concerning the format and content
25 essential for applicants to demonstrate the capacities
26 necessary to establish and operate a successful charter school.

27 4. The applications submitted under this section shall also
28 include all of the following items related to the proposed
29 charter school:

30 a. An executive summary.

31 b. The mission and vision of the proposed charter school,
32 including identification of the targeted student population and
33 the community the school intends to serve.

34 c. The location of the proposed charter school or the
35 proposed geographic area within the state where the school is

1 proposed to be located.

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

4 *e.* Minimum, planned, and maximum enrollment per grade for
5 each school year during the duration of the charter school
6 contract.

7 *f.* Evidence of need and community support for the proposed
8 charter school.

9 *g.* Background information on the members of the founding
10 group and background information on the governing board,
11 administration, and management personnel of the proposed
12 charter school, if available.

13 *h.* The charter school's proposed operations calendar and
14 sample daily schedule.

15 *i.* A description of the academic program and identification
16 of ways the program aligns with state academic standards.

17 *j.* A description of the charter school's instructional
18 model, including the type of learning environment, class size
19 and structure, curriculum overview, and teaching methods.

20 *k.* The charter school's plan for using internal and external
21 assessments to measure and report student progress on the
22 performance framework in accordance with section 256E.9.

23 *l.* Plans for identifying and serving students with
24 disabilities, students who are limited English proficient,
25 students who are academically failing or below grade level, and
26 gifted students, including but not limited to compliance with
27 applicable laws and regulations.

28 *m.* A description of cocurricular and extracurricular
29 programs and how the programs will be funded and delivered.

30 *n.* Plans and timelines for student recruitment, enrollment,
31 and transfers, including enrollment preferences and procedures
32 for conducting transparent admissions selections, including
33 admissions lotteries.

34 *o.* The proposed code of student conduct, including
35 applicable procedures and disciplinary sanctions for both

1 general students and special education students.

2 *p.* A chart or description of the charter school's
3 organizational structure and the duties and powers of each
4 position or group, including the delineation of authority and
5 reporting between the governing board, staff, and any related
6 bodies or external organizations that have a role in managing
7 the charter school.

8 *q.* A staffing chart for the charter school's first year
9 and a staffing plan for the duration of the charter school
10 contract.

11 *r.* Plans for recruiting and developing school
12 administrators, staff, and governing board members and the
13 charter school's employment policies, including performance
14 evaluation plans.

15 *s.* Proposed governing bylaws for the charter school.

16 *t.* Identification and explanation of any partnerships or
17 contractual relationships with an education service provider
18 that are related to the charter school's operations or mission.

19 *u.* The charter school's plans for providing transportation
20 services, food service, and all other operational or ancillary
21 services.

22 *v.* Proposed opportunities and expectations for parent
23 involvement.

24 *w.* A detailed school start-up plan and five-year plan,
25 including all relevant assumptions used, identifying timelines
26 for charter school finances, budget, and insurance coverage,
27 facility construction, preparation, and contingencies, and the
28 identification of persons or positions responsible for each
29 such item.

30 *x.* Evidence of anticipated fundraising contributions, if
31 any.

32 *y.* If the application includes a proposal that the governing
33 board contracts with an education service provider, evidence
34 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.

5 *z.* If the application includes a proposal that the
6 governing board contracts with an education service provider,
7 a description of the education service provider's performance
8 evaluation measures, compensation structure, methods of
9 contract oversight and dispute resolution, investment
10 disclosures and conflicts of interest.

11 *aa.* A proposed duration and outline of the charter school
12 contract, including designation of roles, authority, and duties
13 of the governing board and the charter school staff.

14 5. In reviewing and evaluating charter school applications,
15 the state board shall employ procedures, practices, and
16 criteria consistent with nationally recognized principles and
17 standards for reviewing charter school applications. Each
18 application review shall include thorough evaluation of the
19 written application, an in-person interview with the applicant,
20 and an opportunity in a public forum for local residents of the
21 public school district within which the applicant proposes to
22 locate the charter school to learn about and provide input on
23 each application.

24 6. Following review of a charter school application and
25 completion of the process required under subsection 5, the
26 state board shall do all of the following:

27 *a.* Approve a charter school application only if the
28 applicant has demonstrated competence in each element of the
29 state board's published approval criteria and the applicant is
30 likely to open and operate a successful charter school.

31 *b.* Make application decisions on documented evidence
32 collected through the application review process.

33 *c.* Adhere to the policies and criteria that are transparent,
34 based on merit, and avoid conflicts of interest or any
35 appearance thereof.

1 7. A charter school application under this section shall
2 not be approved if the founding group has another pending
3 application under this section.

4 8. The state board shall approve a charter school
5 application if the application satisfies the requirements
6 of this chapter. The state board shall approve or deny a
7 charter school application no later than seventy-five calendar
8 days after the application is received. If the state board
9 denies an application, the state board shall provide notice of
10 denial to the applicant in writing within thirty days after
11 board action. The notice shall specify the exact reasons for
12 denial and provide documentation supporting those reasons.
13 An approval decision may include, if appropriate, reasonable
14 conditions that the applicant must meet before a charter
15 school contract may be executed pursuant to section 256E.6.
16 An approved charter application shall not serve as a charter
17 school contract.

18 9. An unsuccessful charter school applicant may
19 subsequently reapply to the state board.

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

22 Sec. 6. NEW SECTION. **256E.6 Charter school contract.**

23 1. Within the later of thirty days following approval of
24 a charter school application or upon the satisfaction of all
25 reasonable conditions imposed on the applicant in the charter
26 school approval, if any, an enforceable and renewable charter
27 school contract shall be executed between the founding group
28 and the state board setting forth the academic and operational
29 performance expectations and measures by which the charter
30 school will be evaluated pursuant to sections 256E.9 and
31 256E.10 and the other rights and duties of the parties.

32 2. An initial charter school contract shall be granted for
33 a term of ten school budget years. The charter school contract
34 shall include the beginning and ending dates of the charter
35 school contract term. An approved charter school may delay its

1 opening for a period of time not to exceed one school year in
2 order to plan and prepare for the charter school's opening. If
3 the charter school requires an opening delay of more than one
4 school year, the charter school may request an extension from
5 the state board.

6 3. Each charter school contract shall be signed by the
7 president of the state board and the president or appropriate
8 officer of the governing body of the founding group.

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

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

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

25 7. A charter school contract may be amended to govern
26 multiple charter schools operated by the same applicant and
27 approved by the state board. However, each charter school
28 that is part of a charter school contract shall be separate
29 and distinct from any other charter school governed by the
30 contract.

31 **Sec. 7. NEW SECTION. 256E.7 General operating powers and**
32 **duties.**

33 1. In order to fulfill the charter school's public purpose,
34 a charter school established under this chapter shall be
35 organized as a nonprofit education organization and shall

1 have all the powers necessary for carrying out the terms of
2 the charter school contract including but not limited to the
3 following, as applicable:

4 *a.* Receive and expend funds for charter school purposes.

5 *b.* Secure appropriate insurance and enter into contracts and
6 leases.

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

11 *d.* Incur debt in anticipation of the receipt of public or
12 private funds.

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

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

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

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

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

24 2. A charter school established under this chapter is
25 exempt from all state statutes and rules and any local rule,
26 regulation, or policy, applicable to a noncharter school,
27 except that the charter school shall do all of the following:

28 *a.* Meet all applicable federal, state, and local health and
29 safety requirements and laws prohibiting discrimination on the
30 basis of race, creed, color, sex, sexual orientation, gender
31 identity, national origin, religion, ancestry, or disability.
32 If approved under section 256E.4, the charter school shall be
33 subject to any court-ordered desegregation in effect for the
34 school district at the time the charter school application is
35 approved, unless otherwise specifically provided for in the

1 desegregation order.

2 *b.* Operate as a nonsectarian, nonreligious school.

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

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

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

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

17 *g.* Be subject to and comply with the provisions of chapter
18 285 relating to the transportation of students.

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

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

27 *j.* Comply with the requirements of this chapter.

28 3. A charter school shall employ or contract with teachers
29 as defined in section 272.1, who hold valid licenses with an
30 endorsement for the type of instruction or service for which
31 the teachers are employed or under contract.

32 4. A charter school shall not discriminate in its student
33 admissions policies or practices on the basis of intellectual
34 or athletic ability, measures of achievement or aptitude, or
35 status as a person with a disability. However, a charter

1 school may limit admission to students who are within a
2 particular range of ages or grade levels or on any other
3 basis that would be legal if initiated by a school district.
4 Enrollment priority shall be given to the siblings of students
5 enrolled in a charter school.

6 5. A charter school shall enroll an eligible student who
7 submits a timely application unless the number of applications
8 exceeds the capacity of a program, class, grade level, or
9 building. In this case, students must be accepted by lot.
10 Upon enrollment of an eligible student, the charter school
11 shall notify the public school district of residence not later
12 than March 1 of the preceding school year.

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

16 7. Each charter school governing board shall adopt a policy
17 regarding the hiring of family members to avoid nepotism in
18 hiring and supervision. The policy shall include but is not
19 limited to a disclosure to the governing board of potential
20 nepotism in hiring and supervision. Any person subject to the
21 policy with a conflict shall not be involved in the hiring
22 decision or supervision of a potential employee.

23 8. Individuals compensated by an education service provider
24 are prohibited from serving as a voting member on the governing
25 board of any charter school unless the state board waives such
26 prohibition.

27 9. If the charter school is operated by an education service
28 provider, the governing board of the charter school shall have
29 access to all records of the education service provider that
30 are necessary to evaluate any provision of the contract or
31 evaluate the education service provider's performance under the
32 contract.

33 Sec. 8. NEW SECTION. 256E.8 Funding.

34 1. Each student enrolled in a charter school established
35 under this chapter shall be counted, for state school

1 foundation purposes, in the student's district of residence
2 pursuant to section 257.6, subsection 1, paragraph "a",
3 subparagraph (9). For purposes of this section, residence
4 means a residence under section 282.1.

5 2. The school district of residence shall pay to the
6 charter school in which the student is enrolled in the manner
7 required under section 282.18, subsection 7, and pursuant to
8 the timeline in section 282.20, subsection 3, an amount equal
9 to the sum of the state cost per pupil for the previous school
10 year plus the teacher leadership supplement state cost per
11 pupil for the previous fiscal year as provided in section 257.9
12 plus any moneys received for the pupil as a result of the
13 non-English speaking weighting under section 280.4, subsection
14 3, for the previous school year multiplied by the state cost
15 per pupil for the previous year. If a student is an eligible
16 pupil under section 261E.6, the charter school shall pay the
17 tuition reimbursement amount to an eligible postsecondary
18 institution as provided in section 261E.7.

19 3. If necessary, and pursuant to rules adopted by the state
20 board, funding amounts required under this section for the
21 first school year of a new charter school shall be based on
22 enrollment estimates for the charter school included in the
23 charter school contract. Initial amounts paid using estimated
24 enrollments shall be reconciled during the subsequent payment
25 based on actual enrollment of the charter school during the
26 first school year.

27 4. The department shall disburse state transportation
28 funding to a public charter school on the same basis and in the
29 same manner as such funding is paid to school districts.

30 **Sec. 9. NEW SECTION. 256E.9 Performance framework.**

31 1. The performance provisions within the charter school
32 contract shall be based on a performance framework adopted
33 by the state board that clearly sets forth the academic and
34 operational performance indicators, measures, and metrics that
35 will guide the evaluation of the charter school by the state

1 board, without compromising individual student privacy. The
2 performance framework shall include but is not limited to
3 indicators, measures, and metrics for all of the following:

4 *a.* Student academic proficiency.

5 *b.* Student academic growth.

6 *c.* Achievement gaps in both proficiency and growth between
7 specified populations or groups of students, including groups
8 based on gender, race, poverty, special education status,
9 limited English proficiency, and gifted status.

10 *d.* Attendance.

11 *e.* Enrollment attrition.

12 *f.* Postsecondary readiness for students in grades nine
13 through twelve.

14 *g.* Goals specified in the charter school's mission.

15 *h.* Financial performance and sustainability.

16 *i.* Governing board performance and stewardship, including
17 compliance with all applicable laws, regulations, and terms of
18 the charter contract.

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

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

34 4. Multiple charter schools operating under a single
35 charter school contract shall be required to report their

1 performance data as separate, individual schools, with each
2 charter school held independently accountable for performance.

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

7 Sec. 10. NEW SECTION. **256E.10 Oversight — corrective**
8 **action — contract renewal — revocation.**

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

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

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

32 4. The state board may take appropriate corrective actions
33 or impose sanctions, other than revocation, in response to
34 deficiencies in the charter school's performance or compliance
35 with applicable laws and rules. Such actions or sanctions may

1 include requiring the charter school to develop and execute a
2 corrective action plan within a specified time period.

3 5. A charter school contract may be renewed for periods of
4 time not to exceed an additional ten years.

5 6. Annually, by June 30, the state board shall issue a
6 charter school performance report and charter school contract
7 renewal application guidance to each charter school whose
8 charter school contract will expire during the following school
9 budget year. The performance report shall summarize the
10 charter school's performance record to date based on the data
11 required by the charter school contract and by this chapter
12 and shall identify concerns that may jeopardize renewal of the
13 charter school contract if not remedied. The charter school
14 shall have sixty days to respond to the performance report and
15 submit any corrections or clarifications for the report.

16 7. The renewal application guidance shall, at a minimum,
17 include the criteria that will be used when assessing charter
18 school contract renewal decisions and provide an opportunity
19 for the charter school to:

20 a. Present additional evidence, beyond the data contained in
21 the performance report.

22 b. Describe improvements undertaken or planned for the
23 charter school.

24 c. Describe the charter school's plans, including any
25 proposed modifications, for the next charter school contract
26 term.

27 8. No later than October 1, the governing board of a charter
28 school seeking renewal shall submit a renewal application to
29 the state board pursuant to the renewal application guidance.
30 A renewal or denial shall be approved by resolution of the
31 state board within sixty days following the filing of the
32 renewal application.

33 9. Unless eligible for expedited renewal under subsection
34 13, when reviewing a charter school contract renewal
35 application, the state board shall do all of the following:

1 *a.* Use evidence of the school's performance over the term of
2 the charter school contract in accordance with the applicable
3 performance framework.

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

6 *c.* Provide a report summarizing the evidence that served as
7 a basis for the decision.

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

11 *a.* Committed a material violation of any of the terms,
12 conditions, standards, or procedures required under the charter
13 school contract or this chapter.

14 *b.* Failed to meet or make sufficient progress toward the
15 performance expectations set forth in the charter school
16 contract.

17 *c.* Failed to meet generally accepted standards of fiscal
18 management.

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

21 11. The state board shall develop charter school contract
22 revocation and nonrenewal standards and procedures that do all
23 of the following:

24 *a.* Provide the charter school with a timely notice of the
25 possibility of revocation or nonrenewal and of the reasons
26 therefor.

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

29 *c.* Provide the charter school an opportunity to submit
30 documents and give testimony challenging the decision to revoke
31 the charter school contract or the decision to not renew the
32 contract.

33 *d.* Allow the charter school the opportunity to hire legal
34 representation and to call witnesses.

35 *e.* Permit the audio or video recording of such proceedings

1 described in paragraphs "c" and "d".

2 f. Require a final decision to be conveyed in writing to the
3 charter school.

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

7 13. If a charter school has been evaluated and graded to
8 be in the exceptional category, or the highest rated category
9 under a succeeding evaluation system, under the evaluation and
10 grading required under section 256E.9, subsection 5, for the
11 immediately preceding two school years, and the charter school
12 is in compliance with the current charter school contract
13 and all provisions of this chapter, the charter school's
14 application renewal under subsection 8 shall be renewed for an
15 additional period of time equal to the length of the original
16 charter school contract or the most recent renewal of the
17 contract, whichever is longer, unless the state board provides
18 written notice to the charter school of the state board's
19 rejection of the expedited renewal within sixty days of the
20 filing of the application. The state board shall not reject
21 an expedited renewal application unless the state board finds
22 exceptional circumstances for the rejection or seeks material
23 changes to the charter school contract.

24 Sec. 11. NEW SECTION. 256E.11 **Procedures for charter school**
25 **closure — student enrollment.**

26 1. Prior to any charter school closure decision, the state
27 board shall develop a charter school closure protocol to ensure
28 timely notice to parents and guardians, provide for the orderly
29 transition of students and student records to new schools, and
30 to provide proper disposition of school funds, property, and
31 assets in accordance with the requirements of this chapter.
32 The protocol shall specify required actions and timelines and
33 identify responsible parties for each such action.

34 2. In the event of a charter school closure, the assets of
35 the charter school shall be used first to satisfy outstanding

1 payroll obligations for employees of the school, then to
2 creditors of the school, then to the public school district in
3 which the charter school operated, if applicable, and then to
4 the state general fund. If the assets of the charter school
5 are insufficient to pay all obligations of the charter school,
6 the prioritization of the distribution of assets shall be
7 consistent with this subsection and otherwise determined by the
8 district court.

9 Sec. 12. NEW SECTION. **256E.12 Reports.**

10 1. Each charter school shall prepare and file an annual
11 report with the department. The department shall prescribe
12 by rule the required contents of the report, but each such
13 report shall include information regarding student achievement,
14 including annual academic growth and proficiency, graduation
15 rates, and financial performance and sustainability. The
16 reports are public records and the examination, publication,
17 and dissemination of the reports are governed by the provisions
18 of chapter 22.

19 2. The state board shall prepare and file with the general
20 assembly by December 1, annually, a comprehensive report with
21 findings and recommendations relating to the charter school
22 program in the state and whether the charter school program
23 under this chapter is meeting the goals and purposes of the
24 program. The report also shall contain, for each charter
25 school, a copy of the charter school's mission statement,
26 attendance statistics and dropout rate, aggregate assessment
27 test scores, projections of financial stability, and the number
28 and qualifications of teachers and administrators.

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

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

33 Sec. 14. NEW SECTION. **256F.12 Operation of existing charter**
34 **schools.**

35 Charter schools established under this chapter prior to July

1 1, 2021, shall continue to operate under and be subject to
2 the requirements of this chapter and shall not be subject to
3 chapter 256E.

4 Sec. 15. Section 257.6, subsection 1, paragraph a, Code
5 2021, is amended by adding the following new subparagraph:

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

8 Sec. 16. Section 257.31, subsection 5, paragraph d, Code
9 2021, is amended to read as follows:

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

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

14 1. Notwithstanding sections ~~275.55A~~, 256E.7, 256F.4,
15 275.55A, and 282.18, or any other provision to the contrary,
16 prior to knowingly enrolling an individual who is required
17 to register as a sex offender under chapter 692A, but who is
18 otherwise eligible to enroll in a public school, the board of
19 directors of a school district shall determine the educational
20 placement of the individual. Upon receipt of notice that a
21 student who is enrolled in the district is required to register
22 as a sex offender under chapter 692A, the board shall determine
23 the educational placement of the student. The tentative agenda
24 for the meeting of the board of directors at which the board
25 will consider such enrollment or educational placement shall
26 specifically state that the board is considering the enrollment
27 or educational placement of an individual who is required
28 to register as a sex offender under chapter 692A. If the
29 individual is denied enrollment in a school district under this
30 section, the school district of residence shall provide the
31 individual with educational services in an alternative setting.

32 Sec. 18. Section 282.18, subsection 4, paragraph b, Code
33 2021, is amended to read as follows:

34 *b.* For purposes of this section, "good cause" means a change
35 in a child's residence due to a change in family residence, a

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

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill establishes a new charter school program within
23 the state under new Code chapter 256E and prohibits new charter
24 schools from being established on or after July 1, 2021,
25 under the existing charter school program, Code chapter 256F.
26 Charter schools established under Code chapter 256F prior to
27 July 1, 2021, shall continue to operate under and be subject to
28 the requirements of that Code chapter.

29 The bill creates two models by which a charter school may
30 be established: (1) school board-state board model, under
31 which a school board may create a founding group to apply to
32 the state board of education (state board) for approval to
33 establish and operate a charter school within and as a part of
34 the school district by establishing a new attendance center,
35 creating a new school within an existing attendance center,

1 or converting an existing attendance center; and (2) founding
2 group-state board model, under which a founding group may
3 apply to the state board for approval to establish and operate
4 a charter school within the boundaries of the state that
5 operates independently from any public school district as a new
6 attendance center.

7 The bill defines "founding group" to mean a person, group
8 of persons, or education service provider that develops and
9 submits an application for a charter school to the state board.
10 The bill defines "governing board" to mean the independent
11 board of a charter school whose members are elected or selected
12 pursuant to the charter school's application and charter school
13 contract.

14 The bill establishes requirements for charter school
15 application contents and procedure, requires the state board to
16 adopt rules to establish appropriate application timelines and
17 deadlines for the submission of charter school applications,
18 and establishes standards for reviewing charter school
19 applications by the state board, as specified in the bill.
20 Each application review includes evaluation of the written
21 application, an in-person interview with the applicant, and an
22 opportunity in a public forum for local residents of the public
23 school district within which the applicant proposes to locate
24 the charter school to learn about and provide input on each
25 application.

26 The bill establishes provisions governing the approval
27 or denial of a charter school application and the timing of
28 such a decision, including the prohibition on approving an
29 application if the applicant has another pending charter school
30 application. The decision of the state board as to a charter
31 school application is not appealable.

32 After approval of the charter school application, the
33 applicant and the state board must execute a charter school
34 contract setting forth the operational performance expectations
35 and measures by which the charter school will be evaluated.

1 An initial charter school contract shall be granted for a
2 term of 10 school budget years. The contract may provide for
3 requirements or conditions to govern and monitor the start-up
4 progress of an approved charter school prior to the opening
5 of the charter school including but not limited to conditions
6 to ensure that the charter school meets all building, health,
7 safety, insurance, and other legal requirements.

8 A charter school established under the bill has all the
9 powers necessary for carrying out the terms of the charter
10 school contract including those powers specified in the bill.
11 A charter school established under the bill is exempt from
12 all state statutes and rules and any local rule, regulation,
13 or policy applicable to a noncharter school, except that
14 the charter school shall do all of the following: (1) meet
15 all applicable federal, state, and local health and safety
16 requirements and laws prohibiting discrimination on the
17 basis of race, creed, color, sex, sexual orientation, gender
18 identity, national origin, religion, ancestry, or disability;
19 (2) operate as a nonsectarian, nonreligious school; (3) be
20 free of tuition and application fees to Iowa resident students
21 between the ages of 5 and 21 years; (4) be subject to and comply
22 with Code chapters 216 and 216A relating to civil and human
23 rights; (5) provide special education services in accordance
24 with Code chapter 256B; (6) be subject to the same financial
25 audits, audit procedures, and audit requirements as a school
26 district; (7) be subject to and comply with the provisions of
27 Code chapter 285 relating to the transportation of students;
28 (8) be subject to and comply with the education program
29 and testing requirements of Code section 256.7(21) and the
30 educational standards of Code section 256.11, unless waived by
31 the state board during the application process; and (9) provide
32 instruction for at least the number of days or hours required
33 by Code section 279.10(1), unless waived by the state board
34 during the application process.

35 The bill requires a charter school to employ or contract

1 with teachers who hold a valid license with an endorsement for
2 the type of instruction or service for which the teacher is
3 employed or under contract and establishes requirements for
4 charter schools relating to enrollment and admissions policies.
5 Upon enrollment of an eligible student, the charter school is
6 required to notify the public school district of residence.

7 Each student enrolled in a charter school established
8 under the bill shall be counted, for state school foundation
9 purposes, in the student's district of residence. The school
10 district of residence is then required to pay to the charter
11 school in which the student is enrolled an amount equal to the
12 sum of the state cost per pupil for the previous school year
13 plus the teacher leadership supplement state cost per pupil
14 for the previous school year plus any moneys received for the
15 pupil as a result of the non-English speaking weighting for the
16 previous school year multiplied by the state cost per pupil
17 for the previous school year. If a student is an eligible
18 pupil under the postsecondary enrollment options program, the
19 charter school shall pay the tuition reimbursement amount to an
20 eligible postsecondary institution. The bill also establishes
21 provisions governing the payments to charter schools in the
22 first year of operation.

23 The bill establishes requirements for the performance
24 provisions within the charter school contract that will guide
25 the evaluation of the charter school by the state board.
26 The state board is required to monitor the performance and
27 compliance of each charter school it approves, including
28 collecting and analyzing data according to the charter school
29 contract in order to meet the requirements of the charter
30 school contract and the bill. As part of the charter school
31 contract, the charter school may be required to submit
32 an annual report to assist the state board in evaluating
33 the charter school's performance and compliance with the
34 performance framework.

35 The bill also establishes provisions to govern situations

1 where a charter school's performance under the charter school
2 contract or compliance with applicable laws or rules is
3 unsatisfactory, including the authority to take appropriate
4 corrective actions, impose sanctions, or revoke the contract.
5 A charter school contract may be renewed for periods of
6 time not to exceed an additional 10 years. The bill also
7 establishes provisions that govern the renewal process for
8 a charter school contract, including standards under which
9 the state board must operate when reviewing a charter school
10 contract renewal application.

11 The bill requires that, prior to any charter school closure
12 decision, the state board must develop a charter school closure
13 protocol to ensure timely notice to parents, provide for the
14 orderly transition of students and student records to new
15 schools, and to provide proper disposition of school funds,
16 property, and assets. The bill also specifies the priority to
17 be used when satisfying obligations of a charter school after
18 its closure.

19 Under the bill, each charter school is required to prepare
20 and file an annual report with the department of education,
21 the contents of which shall be determined by the department
22 by rule. The state board of education is required to prepare
23 and file with the general assembly by December 1, annually, a
24 comprehensive report including items specified in the bill,
25 along with findings and recommendations relating to the charter
26 school program in the state and whether the charter school
27 program is meeting the goals and purposes of the program.