

Senate File 2368 - Introduced

SENATE FILE 2368
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3157)

A BILL FOR

1 An Act relating to education by establishing a right of
2 first refusal for charter schools to purchase or lease
3 school district property and modifying charter school
4 and open enrollment funding, charter school board member
5 requirements, and the school start date.

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

DIVISION I

FUNDING FORMULA

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2
3 Section 1. Section 256E.8, subsection 2, paragraph a, Code
4 2024, is amended to read as follows:

5 a. The charter school in which the student is enrolled
6 shall receive under paragraph "c" an amount equal to the sum
7 of the regular program state cost per pupil for the previous
8 ~~school~~ budget year plus the teacher leadership supplement state
9 cost per pupil, the teacher salary supplement cost per pupil,
10 the professional development supplement state cost per pupil,
11 and the early intervention supplement state cost per pupil
12 for the previous fiscal budget year as provided in section
13 257.9 plus any moneys received by that would be due to the
14 school district of residence for the student as a result of the
15 non-English speaking weighting under section 280.4, subsection
16 3, for the previous school budget year multiplied by the state
17 cost per pupil for the previous budget year. If a student is
18 an eligible pupil under section 261E.6, the charter school
19 shall pay the tuition reimbursement amount to an eligible
20 postsecondary institution as provided in section 261E.7.

21 Sec. 2. Section 282.18, subsection 5, paragraph b,
22 subparagraph (1), Code 2024, is amended to read as follows:

23 (1) The board of directors of the district of residence
24 shall pay to the receiving district the sum of the state cost
25 per pupil for the previous school budget year plus either the
26 teacher leadership supplement state cost per pupil, the teacher
27 salary supplement cost per pupil, the professional development
28 supplement state cost per pupil, and the early intervention
29 supplement state cost per pupil for the previous fiscal budget
30 year as provided in section 257.9 or the teacher leadership
31 supplement foundation aid for the previous fiscal year as
32 provided in section 284.13, subsection 1, paragraph "d", if
33 both the district of residence and the receiving district are
34 receiving such supplements, plus any moneys received that would
35 be due to the school district of residence for the pupil as

1 a result of the non-English speaking weighting under section
2 280.4, subsection 3, for the ~~previous school~~ budget year
3 multiplied by the state cost per pupil for the ~~previous~~ budget
4 year. If the pupil participating in open enrollment is also
5 an eligible pupil under [section 261E.6](#), the receiving district
6 shall pay the tuition reimbursement amount to an eligible
7 postsecondary institution as provided in [section 261E.7](#).

8 DIVISION II

9 SCHOOL DISTRICT PROPERTY

10 Sec. 3. Section 256E.7, subsection 1, Code 2024, is amended
11 by adding the following new paragraphs:

12 NEW PARAGRAPH. *j.* Purchase or lease underutilized property
13 or vacant property pursuant to a right of first refusal granted
14 by the board of directors of a school district under section
15 297.24, subsection 3.

16 NEW PARAGRAPH. *k.* Access underutilized property or vacant
17 property owned by a school district pursuant to section 279.39,
18 subsection 2.

19 Sec. 4. Section 278.1, subsection 1, paragraph b, Code 2024,
20 is amended to read as follows:

21 *b.* Except when restricted by [section 297.24 or 297.25](#),
22 direct the sale, lease, or other disposition of any schoolhouse
23 or school site or other property belonging to the corporation,
24 and the application to be made of the proceeds thereof.

25 However, ~~nothing in this section~~ shall not be construed
26 to prevent the sale, lease, exchange, gift, or grant and
27 acceptance of any interest in real or other property of the
28 corporation to the extent authorized in [section 297.22 or](#)
29 [297.24](#).

30 Sec. 5. Section 279.39, Code 2024, is amended to read as
31 follows:

32 **279.39 School buildings — reasonable access for charter**
33 **schools.**

34 1. The board of ~~any school corporation~~ directors of a
35 school district shall establish attendance centers and provide

1 suitable buildings for each school in the district and may
2 at the regular or a special meeting resolve to submit to the
3 registered voters of the district at an election held on a date
4 specified in [section 39.2, subsection 4](#), the question of voting
5 a tax or authorizing the board to issue bonds, or both.

6 2. The board of directors of a school district shall allow
7 charter schools established under chapter 256E reasonable
8 access to underutilized property and vacant property, as those
9 terms are defined in section 297.24, for educational purposes.

10 Sec. 6. Section 297.22, Code 2024, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4. The provisions in subsections 1 through
13 3 relating to the sale or lease of school district property do
14 not apply to underutilized property or vacant property that the
15 board of directors of a school district sells or leases to a
16 charter school pursuant to section 297.24.

17 Sec. 7. NEW SECTION. **297.23 Publication of information**
18 **related to real property.**

19 The board of directors of a school district shall publish
20 information related to all of the following on the school
21 district's internet site:

22 1. The square footage of each school building owned by the
23 school district.

24 2. The enrollment capacity of each attendance center owned
25 by the school district.

26 3. How each school building owned by the school district is
27 currently utilized by the school district.

28 4. School buildings owned by the school district that are
29 vacant.

30 Sec. 8. NEW SECTION. **297.24 Real property — sale to other**
31 **schools — right of first refusal for charter schools.**

32 1. For purposes of this section:

33 *a. "Underutilized property"* means real property owned by
34 the school district that the school district has determined is
35 not being used to the fullest extent reasonably possible by

1 the school district because the school district uses the real
2 property irregularly or intermittently or because the school
3 district uses the real property for purposes that only require
4 a portion of the real property.

5 *b. "Vacant property"* means real property owned by the
6 school district that the school district has determined is not
7 occupied by the school district or is not being put to use by
8 the school district.

9 2. The board of directors of a school district shall not
10 enter into any agreement that prohibits the sale of real
11 property to any of the following:

12 *a.* A school district.

13 *b.* An accredited nonpublic school.

14 *c.* A charter school established pursuant to chapter 256E.

15 *d.* A charter school or innovation zone school established
16 pursuant to chapter 256F.

17 *e.* The state board of regents.

18 *f.* An institution of higher education under the control of
19 the state board of regents.

20 *g.* An accredited private institution as defined in section
21 256.183.

22 *h.* An eligible institution as defined in section 256.183.

23 3. The board of directors of a school district shall
24 give a right of first refusal to an existing charter school
25 established pursuant to chapter 256E that is located within the
26 school district to purchase or lease underutilized property and
27 vacant property that the school district is offering to sell or
28 lease.

29 4. Subsection 3 shall be construed as independent of
30 the power vested in the electors by section 278.1, and as
31 additional to such power. If a board of directors of a
32 school district has exercised its independent power under
33 subsection 3 regarding the granting of a right of first
34 refusal to an existing charter school established pursuant to
35 chapter 256E that is located within the school district to

1 purchase or lease underutilized property or vacant property,
2 and has by resolution approved such action, the electors
3 shall not subsequently proceed to exercise their power under
4 section 278.1 for a purpose directly contrary to the action
5 previously approved by the board of directors in accordance
6 with subsection 3.

7 Sec. 9. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3,
8 shall not apply to this division of this Act.

9

DIVISION III

10

SCHOOL START DATE

11 Sec. 10. Section 279.10, subsection 1, Code 2024, is amended
12 to read as follows:

13 1. The school year for each school district and accredited
14 nonpublic school shall begin on July 1 and the school calendar
15 shall begin no sooner than ~~August 23~~ the first Tuesday
16 following the final day of the Iowa state fair and no later
17 than the first Monday in December. The school calendar shall
18 include not less than one hundred eighty days or one thousand
19 eighty hours of instruction during the calendar year, of which
20 not more than five days or thirty hours of instruction may
21 be delivered primarily over the internet except as otherwise
22 provided in [section 256.43](#) or in rules adopted by the state
23 board of education pursuant to [section 256.7, subsection 32](#).
24 The board of directors of a school district and the authorities
25 in charge of an accredited nonpublic school shall determine the
26 school start date for the school calendar in accordance with
27 this subsection and shall set the number of days or hours of
28 required attendance for the school year as provided in section
29 299.1, subsection 2, but the board of directors of a school
30 district shall hold a public hearing on any proposed school
31 calendar prior to adopting the school calendar. If the board
32 of directors of a district or the authorities in charge of an
33 accredited nonpublic school extends the school calendar because
34 inclement weather caused the school district or accredited
35 nonpublic school to temporarily close during the regular school

1 calendar, the school district or accredited nonpublic school
2 may excuse a graduating senior who has met district or school
3 requirements for graduation from attendance during the extended
4 school calendar. A school corporation may begin employment
5 of personnel for in-service training and development purposes
6 before the date to begin elementary and secondary school.

7 DIVISION IV

8 CHARTER SCHOOLS — BOARD MEMBER RESIDENCE

9 Sec. 11. Section 256E.7, subsection 11, Code 2024, is
10 amended to read as follows:

11 11. A majority of the membership of each charter school's
12 governing board shall be residents of the geographic area
13 served by the charter school. ~~Each member of the governing
14 board who is not a resident of the geographic area served by
15 the charter school must be a resident of this state.~~

16 EXPLANATION

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

19 This bill relates to education by establishing a right
20 of first refusal for charter schools to purchase or lease
21 school district property and modifying charter school and open
22 enrollment funding, charter school board member requirements,
23 and the school start date.

24 DIVISION I — FUNDING FORMULA. The bill requires the
25 department of education, when a student enrolls in a charter
26 school, to pay the charter school a sum equal to the regular
27 program state cost per pupil for the budget year plus the
28 teacher leadership supplement state cost per pupil, the teacher
29 salary supplement cost per pupil, the professional development
30 supplement state cost per pupil, and the early intervention
31 supplement state cost per pupil for the budget year, plus any
32 moneys that would be due to the student's school district of
33 residence as a result of non-English speaking weighting for the
34 budget year, multiplied by the state cost per pupil for the
35 budget year. Under current law, the department of education

1 only pays the state cost per pupil, teacher leadership
2 supplement, and non-English speaking weighting based on the
3 previous year as multiplied by the state cost per pupil based
4 on the previous year to a charter school in which a student
5 enrolls. The bill contains similar provisions for a school
6 district of residence's payments to a school in which a pupil
7 open enrolls.

8 DIVISION II — SCHOOL DISTRICT PROPERTY. The bill requires
9 the board of directors of a school district to allow charter
10 schools reasonable access to underutilized property and vacant
11 property for educational purposes. The bill also requires the
12 board of directors of a school district to publish information
13 related to the square footage of each school building owned by
14 the school district, the enrollment capacity of each attendance
15 center owned by the school district, how each school building
16 owned by the school district is currently utilized by the
17 school district, and school buildings owned by the school
18 district that are vacant on the school district's internet
19 site.

20 The bill prohibits the board of directors of a school
21 district from entering into any agreement that prohibits the
22 sale of real property to a school district, an accredited
23 nonpublic school, a charter school, an innovation zone school,
24 the state board of regents, an institution of higher education
25 under the control of the state board of regents, or certain
26 private colleges and universities.

27 The bill requires the board of directors of a school district
28 to give a right of first refusal to an existing charter school
29 established pursuant to Code chapter 256E that is located
30 within the school district to purchase or lease underutilized
31 property and vacant property. The bill provides that this
32 provision is to be construed as independent of the power vested
33 in the electors by Code section 278.1 (power of electors), and
34 as additional to such power. The bill also provides that if
35 a board of directors of a school district has exercised its

1 independent power under this provision, and has by resolution
2 approved such action, the electors shall not subsequently
3 proceed to exercise their power under Code section 278.1 for
4 a purpose directly contrary to the action previously approved
5 by the board of directors. The bill defines "underutilized
6 property" as real property owned by the school district that
7 the school district has determined is not being used to the
8 fullest extent reasonably possible by the school district
9 because the school district uses the real property irregularly
10 or intermittently or because the school district uses the real
11 property for purposes that only require a portion of the real
12 property. The bill defines "vacant property" as real property
13 owned by the school district that the school district has
14 determined is not occupied by the school district or is not
15 being put to use by the school district.

16 The division may include a state mandate as defined in Code
17 section 25B.3. The division makes inapplicable Code section
18 25B.2, subsection 3, which would relieve a school district
19 from complying with a state mandate if funding for the cost of
20 the state mandate is not provided or specified. Therefore,
21 school districts are required to comply with any state mandate
22 included in the division.

23 DIVISION III — SCHOOL START DATE. Current law provides
24 that the school calendar for school districts and accredited
25 nonpublic schools shall begin no sooner than August 23. The
26 bill provides that the school calendar for school districts and
27 accredited nonpublic schools shall instead begin no sooner than
28 the first Tuesday following the final day of the Iowa state
29 fair.

30 DIVISION IV — CHARTER SCHOOLS — BOARD MEMBER RESIDENCE.
31 Current law provides that each member of the governing board
32 of a charter school established under Code chapter 256E who is
33 not a resident of the geographic area served by the charter
34 school must be a resident of this state. The bill strikes this
35 provision.