

**House File 585 - Reprinted**

HOUSE FILE 585  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 124)

(As Amended and Passed by the House March 16, 2011)

**A BILL FOR**

1 An Act relating to charter school and innovation zone school  
2 approval and revocation or nonrenewal requirements under the  
3 state's system of public education.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256F.1, subsection 2, Code 2011, 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, or creating a new  
6 building for a charter school.

7 Sec. 2. Section 256F.1, subsection 3, Code 2011, is amended  
8 to read as follows:

9 3. The purpose of a charter school or an innovation zone  
10 school established pursuant to this chapter shall be to  
11 ~~accomplish the following:~~ allow a school board the flexibility  
12 to meet the needs of all students by authorizing the school  
13 board to select for its educational program options from  
14 different educational programs.

15 ~~a. Improve student learning.~~

16 ~~b. Increase learning opportunities for students.~~

17 ~~c. Encourage the use of different and innovative methods of~~  
18 ~~teaching.~~

19 ~~d. Require the measurement of learning outcomes and create~~  
20 ~~different and innovative forms of measuring outcomes.~~

21 ~~e. Establish new forms of accountability for schools.~~

22 ~~f. Create new professional opportunities for teachers and~~  
23 ~~other educators, including the opportunity to be responsible~~  
24 ~~for the learning program at the school site.~~

25 ~~g. Create different organizational structures for continuous~~  
26 ~~learner progress.~~

27 ~~h. Allow greater flexibility to meet the education needs of~~  
28 ~~a diverse and constantly changing student population.~~

29 ~~i. Allow for the allocation of resources in innovative ways~~  
30 ~~through implementation of specialized school budgets for the~~  
31 ~~benefit of the schools served.~~

32 Sec. 3. Section 256F.2, subsection 6, Code 2011, is amended  
33 to read as follows:

34 6. "*Innovation zone consortium*" means a consortium of two  
35 or more school districts and an area education agency in which

1 one or more of the school districts is located, that receives  
2 approval to establish an innovation zone school pursuant to  
3 this chapter. A consortium may also include an accredited  
4 nonpublic school, a community college, the state board of  
5 regents or an institution of higher education governed by  
6 the board, an accredited private institution as defined in  
7 section 261.9, or a private nonprofit corporation organized  
8 under chapter 504. In addition, the innovation zone consortium  
9 may receive technical assistance from an accredited higher  
10 education institution.

11 Sec. 4. Section 256F.3, subsection 2, paragraph a, Code  
12 2011, is amended to read as follows:

13 a. To receive approval to establish a charter school in  
14 accordance with this chapter, the principal, teachers, or  
15 parents or guardians of students at an existing public school,  
16 or the administrators of an accredited nonpublic school, the  
17 board of directors of a community college, the state board  
18 of regents or an institution of higher education governed by  
19 the board, an accredited private institution as defined in  
20 section 261.9, or a private nonprofit corporation organized  
21 under chapter 504 shall submit an application to the school  
22 board to convert an existing attendance center to, or create  
23 a new building for, a charter school. An existing attendance  
24 center shall not enter into a charter school contract with  
25 a school district under this chapter unless the attendance  
26 center is located within the school district. The application  
27 shall demonstrate the support of at least fifty percent of the  
28 teachers employed at the ~~school~~ existing attendance center  
29 on the date of the submission of the application and fifty  
30 percent of the parents or guardians voting whose children are  
31 enrolled at the ~~school~~ existing attendance center, provided  
32 that a majority of the parents or guardians eligible to vote  
33 participate in the ballot process, according to procedures  
34 established by rules of the state board.

35 Sec. 5. Section 256F.3, subsections 4 through 8, Code 2011,

1 are amended to read as follows:

2 4. A school board shall by a majority vote approve or  
3 deny an application relating to a charter school no later  
4 than sixty calendar days after the application is received.  
5 An application approved by a school board ~~and subsequently~~  
6 ~~approved by the state board pursuant to subsection 6~~ shall  
7 constitute, at a minimum, an agreement between the school board  
8 and the charter school for the operation of the charter school.  
9 A school board that denies an application for a conversion  
10 to a charter school shall provide notice of denial to the  
11 applicant in writing within thirty days after board action.  
12 The notice shall specify the exact reasons for denial and  
13 provide documentation supporting those reasons.

14 5. An applicant may appeal school board denial of the  
15 applicant's charter school application to the state board  
16 in accordance with the procedures set forth in chapter 290.  
17 The state board shall affirm, modify, or reverse the school  
18 board's decision on the basis of the information provided in  
19 the application indicating the ability and willingness of the  
20 proposed charter school to meet the requirements of ~~section~~  
21 ~~256F.1, subsection 3, and section 256F.4.~~

22 6. Upon approval of an application for the proposed  
23 establishment of a charter school, the school board shall  
24 ~~submit an application for approval to establish the charter~~  
25 ~~school to~~ notify the state board in accordance with ~~section~~  
26 ~~256F.5~~ of its intention to establish a charter school. A  
27 notice under this subsection shall include a description of the  
28 proposed school as contained in the application.

29 ~~7. An application submitted to the state board pursuant to~~  
30 ~~subsection 2, paragraph "b", or subsection 6 shall set forth the~~  
31 ~~manner in which the charter school or innovation zone school~~  
32 ~~will provide special instruction, in accordance with section~~  
33 ~~280.4, to students who are limited English proficient. The~~  
34 ~~application shall set forth the manner in which the charter~~  
35 ~~school or innovation zone school will comply with federal and~~

1 ~~state laws and regulations relating to the federal National~~  
2 ~~School Lunch Act and the federal Child Nutrition Act of 1966,~~  
3 ~~42 U.S.C. § 1751-1785, and chapter 283A.~~ The state board shall  
4 approve only those innovation zone school applications that  
5 meet the requirements specified in ~~section 256F.1, subsection~~  
6 ~~3,~~ and sections 256F.4 and 256F.5. The state board may deny  
7 an application if the state board deems that approval of  
8 the application is not in the best interest of the affected  
9 students.

10 ~~8. The state board shall approve not more than ten~~  
11 ~~innovation zone consortium applications.~~

12 Sec. 6. Section 256F.4, subsection 2, paragraph h, Code  
13 2011, is amended by striking the paragraph.

14 Sec. 7. Section 256F.4, subsection 3, Code 2011, is amended  
15 to read as follows:

16 3. A charter school or innovation zone school shall not  
17 discriminate in its student admissions policies or practices  
18 on the basis of intellectual or athletic ability, measures  
19 of achievement or aptitude, or status as a person with a  
20 disability. However, a charter school or innovation zone  
21 school may limit admission to students who are within a  
22 particular range of ages or grade levels or on any other  
23 basis that would be legal if initiated by a school district.  
24 Enrollment priority shall be given to the siblings of students  
25 enrolled in a charter school or innovation zone school. A  
26 charter school may establish academic preparation prerequisites  
27 designed to protect and promote the quality and integrity  
28 of the charter school educational program if the academic  
29 preparation prerequisites do not impose an unlawful barrier to  
30 the admission of any student.

31 Sec. 8. Section 256F.5, unnumbered paragraph 1, Code 2011,  
32 is amended to read as follows:

33 An application to the ~~state~~ school board for the approval  
34 of a charter school or to the state board for approval of an  
35 innovation zone school shall include but shall not be limited

1 to a description of the following:

2 Sec. 9. Section 256F.5, subsections 2 and 12, Code 2011, are  
3 amended to read as follows:

4 2. The mission, purpose, ~~innovation,~~ and specialized focus  
5 of the charter school or innovation zone school.

6 12. A statement indicating how the charter school or  
7 innovation zone school will meet the requirements of ~~section~~  
8 ~~256F.1, as applicable,~~ section 256F.4, subsection 2, paragraph  
9 "a"; and section 256F.4, subsection 3.

10 Sec. 10. Section 256F.5, Code 2011, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 12A. The manner in which special  
13 instruction, in accordance with section 280.4, will be provided  
14 to students who are limited English proficient, and the manner  
15 in which the charter school or innovation zone school will  
16 comply with federal and state laws and regulations relating to  
17 the federal National School Lunch Act and the federal Child  
18 Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and chapter 283A.

19 Sec. 11. Section 256F.6, subsection 1, paragraphs a and b,  
20 Code 2011, are amended to read as follows:

21 a. An approved charter school or innovation zone school  
22 application shall constitute an agreement, the terms of which  
23 shall, at a minimum, be the terms of a four-year enforceable,  
24 renewable contract between a school board, ~~or~~ and the charter  
25 school, or between the boards participating in an innovation  
26 zone consortium, and the state board. The contract shall  
27 include an operating agreement for the operation of the charter  
28 school or innovation zone school. The terms of the contract  
29 may be revised at any time with the approval of the school  
30 board, or of both the state board and the school board or  
31 the boards participating in the innovation zone consortium,  
32 whether or not the stated provisions of the contract are being  
33 fulfilled.

34 b. A charter school contract may be renewed by agreement  
35 of the school board ~~or~~. An innovation zone school contract

1 may be renewed by agreement of the boards participating in an  
2 innovation zone consortium, ~~as applicable,~~ and the state board.

3 Sec. 12. Section 256F.8, subsection 1, unnumbered paragraph  
4 1, Code 2011, is amended to read as follows:

5 A contract for the establishment of a charter school or  
6 innovation zone school may be revoked by the ~~state board,~~  
7 ~~the school board that established the charter school, by the~~  
8 advisory council, or by the state board and the innovation zone  
9 consortium that established the innovation zone school, if the  
10 appropriate board, advisory council, or consortium determines  
11 that one or more of the following occurred:

12 Sec. 13. Section 256F.8, subsections 2 through 5, Code 2011,  
13 are amended to read as follows:

14 2. The decision by a school board, advisory council, or an  
15 innovation zone consortium to revoke or to fail to take action  
16 to renew a charter school or innovation zone school contract is  
17 subject to appeal under procedures set forth in chapter 290.

18 3. A school board, advisory council, or a board  
19 participating in an innovation zone consortium that is  
20 considering revocation or nonrenewal of a charter school or  
21 innovation zone school contract shall notify the advisory  
22 council, if applicable, the parents or guardians of the  
23 students enrolled in the charter school or innovation zone  
24 school, and the teachers and administrators employed by the  
25 charter school or innovation zone school, sixty days prior to  
26 revoking or the date by which the contract must be renewed,  
27 but not later than the last day of classes in the school year.  
28 If a school board or advisory council revokes or fails to  
29 renew a contract, the school board shall assume oversight and  
30 operational authority.

31 4. a. If the state board determines that ~~a charter school~~  
32 ~~or~~ an innovation zone school is in substantial violation of  
33 the terms of the contract, the state board shall notify the  
34 school board or innovation zone consortium and the advisory  
35 council of its intention to revoke the contract at least sixty

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

22 5. b. The decision of the state board to revoke a contract  
23 under this section is solely within the discretion of the state  
24 board and is final.

25 5. If the final action to revoke a contract under this  
26 section occurs prior to the last day of classes in the school  
27 year, a charter school or innovation zone school student may  
28 enroll in the resident district.