

**House File 813 - Reprinted**

HOUSE FILE 813  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 242)

(As Amended and Passed by the House March 25, 2021)

**A BILL FOR**

- 1 An Act modifying and establishing charter school programs and
- 2 making appropriations.
- 3 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, subject to the requirements of  
2 section 256E.7, subsection 10.

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

6 8. "*State board*" means the state board of education.

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

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

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

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

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

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

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

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

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

1 4. An application submitted under this section shall also  
2 include all of the following items related to the proposed  
3 charter school:

4 a. An executive summary.

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

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

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

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

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

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

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

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

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

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

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

1 applicable laws and regulations.

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

4 *n.* Plans and timelines for student recruitment, enrollment,  
5 and transfers, including enrollment preferences and procedures  
6 for conducting transparent admissions selections, including  
7 admissions lotteries.

8 *o.* The proposed code of student conduct, including  
9 applicable procedures and disciplinary sanctions for both  
10 general students and special education students.

11 *p.* A chart or description of the charter school's  
12 organizational structure and the duties and powers of each  
13 position or group, including the delineation of authority and  
14 reporting between the governing board, administration, staff,  
15 and any related bodies or external organizations that have a  
16 role in managing the charter school.

17 *q.* A staffing chart for the charter school's first year  
18 and a staffing plan for the duration of the charter school  
19 contract.

20 *r.* Plans for recruiting and developing school  
21 administrators, staff, and governing board members and the  
22 charter school's employment policies, including performance  
23 evaluation plans.

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

25 *t.* Identification and explanation of any partnerships or  
26 contractual relationships with the founding group or any of the  
27 founding group or school board's members that are related to  
28 the charter school's operations or mission.

29 *u.* The charter school's plans for providing transportation  
30 services, food service, and all other operational or ancillary  
31 services.

32 *v.* Proposed opportunities and expectations for parent  
33 involvement.

34 *w.* A detailed school start-up plan and five-year plan,  
35 including all relevant assumptions used, identifying timelines

1 for charter school finances, budget, and insurance coverage,  
2 facility construction, preparation, and contingencies, and the  
3 identification of persons or positions responsible for each  
4 such item.

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

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

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

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

20 *ab.* The specific statutes and administrative rules with  
21 which the charter school does not intend to comply. The  
22 department shall provide technical assistance to the applicant  
23 concerning statutes and administrative rules that may be waived  
24 under the charter school contract in order to facilitate the  
25 goals of the charter school.

26 5. If the founding group proposes to establish a charter  
27 school by converting an existing attendance center of the  
28 school district, the state board shall not approve the  
29 application unless the founding group submits evidence that  
30 the attendance center's teachers and parents or guardians of  
31 students enrolled at the existing attendance center voted in  
32 favor of the conversion. A vote in favor of conversion under  
33 this subsection requires the support of a majority of the  
34 teachers employed at the school on the date of the vote and  
35 a majority of the parents or guardians voting whose children

1 are enrolled at the school, provided that a majority of the  
2 parents or guardians eligible to vote participate in the ballot  
3 process. The state board shall establish procedures by rule  
4 for voting under this subsection. A parent or guardian voting  
5 in accordance with this subsection must be a resident of this  
6 state.

7 6. In reviewing and evaluating charter school applications,  
8 the state board shall employ procedures, practices, and  
9 criteria consistent with nationally recognized principles and  
10 standards for reviewing charter school applications. Each  
11 application review shall include thorough evaluation of the  
12 written application, an in-person interview with the founding  
13 group, and an opportunity in a public forum for local residents  
14 to learn about and provide input on each application.

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

18 a. Approve a charter school application only if the founding  
19 group has demonstrated competence in each element of the  
20 approval criteria and if the founding group is likely to open  
21 and operate a successful charter school.

22 b. Make application decisions on documented evidence  
23 collected through the application review process.

24 c. Adhere to the policies and criteria that are transparent,  
25 based on merit, and avoid conflicts of interest or any  
26 appearance thereof.

27 8. The state board shall approve a charter school  
28 application if the application satisfies the requirements of  
29 this chapter. The state board shall approve or deny a charter  
30 school application no later than seventy-five calendar days  
31 after the application is received. If the state board denies  
32 an application, the state board shall provide notice of denial  
33 to the founding group in writing within thirty days after the  
34 state board's action. The notice shall specify the exact  
35 reasons for denial and provide documentation supporting those



1 reasons. An approval decision may include, if appropriate,  
2 reasonable conditions that the founding group must meet before  
3 a charter school contract may be executed pursuant to section  
4 256E.6. An approved charter application shall not serve as a  
5 charter school contract.

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

8 10. An unsuccessful applicant under this section may  
9 subsequently reapply to the state board.

10 Sec. 5. NEW SECTION. **256E.5 Founding group-state board**  
11 **model.**

12 1. A founding group may apply to the state board for  
13 approval to establish and operate a charter school within the  
14 boundaries of the state that operates as a new attendance  
15 center independently from a public school district. The  
16 application shall demonstrate the founding group's academic  
17 and operational vision and plans for the proposed charter  
18 school, demonstrate the founding group's capacity to execute  
19 the vision and plans, and provide the state board a clear basis  
20 for assessing the founding group's plans and capacity.

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

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

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

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

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

34 4. The applications submitted under this section shall also  
35 include all of the following items related to the proposed

1 charter school:

2     *a.* An executive summary.

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

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

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

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

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

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

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

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

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

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

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

35     *m.* A description of cocurricular and extracurricular

1 programs and how the programs will be funded and delivered.

2 *n.* Plans and timelines for student recruitment, enrollment,  
3 and transfers, including enrollment preferences and procedures  
4 for conducting transparent admissions selections, including  
5 admissions lotteries.

6 *o.* The proposed code of student conduct, including  
7 applicable procedures and disciplinary sanctions for both  
8 general students and special education students.

9 *p.* A chart or description of the charter school's  
10 organizational structure and the duties and powers of each  
11 position or group, including the delineation of authority and  
12 reporting between the governing board, staff, and any related  
13 bodies or external organizations that have a role in managing  
14 the charter school.

15 *q.* A staffing chart for the charter school's first year  
16 and a staffing plan for the duration of the charter school  
17 contract.

18 *r.* Plans for recruiting and developing school  
19 administrators, staff, and governing board members and the  
20 charter school's employment policies, including performance  
21 evaluation plans.

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

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

26 *u.* The charter school's plans for providing transportation  
27 services, food service, and all other operational or ancillary  
28 services.

29 *v.* Proposed opportunities and expectations for parent  
30 involvement.

31 *w.* A detailed school start-up plan and five-year plan,  
32 including all relevant assumptions used, identifying timelines  
33 for charter school finances, budget, and insurance coverage,  
34 facility construction, preparation, and contingencies, and the  
35 identification of persons or positions responsible for each

1 such item.

2 *x.* Evidence of anticipated fundraising contributions, if  
3 any.

4 *y.* If the application includes a proposal that the governing  
5 board contracts with an education service provider, evidence  
6 of the education service provider's success in serving  
7 student populations similar to that which is proposed in the  
8 application and if the education service provider operates  
9 other charter schools, evidence of past performance of such  
10 other charter schools and evidence of the education service  
11 provider's capacity for growth.

12 *z.* If the application includes a proposal that the  
13 governing board contracts with an education service provider,  
14 a description of the education service provider's staff  
15 performance evaluation measures and compensation structure,  
16 methods of contract oversight and dispute resolution,  
17 investment disclosures, and conflicts of interest.

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

21 *ab.* The specific statutes and administrative rules with  
22 which the charter school does not intend to comply. The  
23 department shall provide technical assistance to the applicant  
24 concerning statutes and administrative rules that may be waived  
25 under the charter school contract in order to facilitate the  
26 goals of the charter school.

27 5. In reviewing and evaluating charter school applications,  
28 the state board shall employ procedures, practices, and  
29 criteria consistent with nationally recognized principles and  
30 standards for reviewing charter school applications. Each  
31 application review shall include thorough evaluation of the  
32 written application, an in-person interview with the applicant,  
33 and an opportunity in a public forum for local residents of the  
34 public school district within which the applicant proposes to  
35 locate the charter school to learn about and provide input on

1 each application.

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

5 a. Approve a charter school application only if the  
6 applicant has demonstrated competence in each element of the  
7 state board's published approval criteria and the applicant is  
8 likely to open and operate a successful charter school.

9 b. Make application decisions on documented evidence  
10 collected through the application review process.

11 c. Adhere to the policies and criteria that are transparent,  
12 based on merit, and avoid conflicts of interest or any  
13 appearance thereof.

14 7. A charter school application under this section shall  
15 not be approved if the founding group has another pending  
16 application under this section.

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

31 9. An unsuccessful charter school applicant may  
32 subsequently reapply to the state board.

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

35 Sec. 6. NEW SECTION. 256E.6 Charter school contract.

1 1. Within the later of thirty days following approval of  
2 a charter school application or upon the satisfaction of all  
3 reasonable conditions imposed on the applicant in the charter  
4 school approval, if any, an enforceable and renewable charter  
5 school contract shall be executed between the founding group  
6 and the state board setting forth the academic and operational  
7 performance expectations and measures by which the charter  
8 school will be evaluated pursuant to sections 256E.9 and  
9 256E.10 and the other rights and duties of the parties.

10 2. An initial charter school contract shall be granted for a  
11 term of five school budget years. The charter school contract  
12 shall include the beginning and ending dates of the charter  
13 school contract term. An approved charter school may delay its  
14 opening for a period of time not to exceed one school year in  
15 order to plan and prepare for the charter school's opening. If  
16 the charter school requires an opening delay of more than one  
17 school year, the charter school may request an extension from  
18 the state board.

19 3. Each charter school contract shall be signed by the  
20 president of the state board and the president or appropriate  
21 officer of the governing body of the founding group.

22 4. Within fifteen days of the execution of a charter school  
23 contract entered into by the state board, the state board shall  
24 notify the department and the department of management of the  
25 name of the charter school and any applicable education service  
26 provider, the proposed location of the charter school, and the  
27 charter school's first year projected enrollment.

28 5. A charter school approved under this chapter shall not  
29 commence operations without a valid charter school contract  
30 executed in accordance with this section and approved in an  
31 open session of the state board.

32 6. The contract may provide for requirements or conditions  
33 to govern and monitor the start-up progress of an approved  
34 charter school prior to the opening of the charter school  
35 including but not limited to conditions to ensure that the

1 charter school meets all building, health, safety, insurance,  
2 and other legal requirements.

3 7. A charter school contract may be amended to govern  
4 multiple charter schools operated by the same applicant and  
5 approved by the state board. However, each charter school  
6 that is part of a charter school contract shall be separate  
7 and distinct from any other charter school governed by the  
8 contract.

9 Sec. 7. NEW SECTION. 256E.7 **General operating powers and**  
10 **duties.**

11 1. In order to fulfill the charter school's public purpose,  
12 a charter school established under this chapter shall be  
13 organized as a nonprofit education organization and shall  
14 have all the powers necessary for carrying out the terms of  
15 the charter school contract including but not limited to the  
16 following, as applicable:

17 a. Receive and expend funds for charter school purposes.

18 b. Secure appropriate insurance and enter into contracts and  
19 leases.

20 c. Contract with an education service provider for the  
21 management and operation of the charter school so long as the  
22 governing board retains oversight authority over the charter  
23 school.

24 d. Incur debt in anticipation of the receipt of public or  
25 private funds.

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

28 f. Solicit and accept gifts or grants for charter school  
29 purposes unless otherwise prohibited by law or by the terms of  
30 its charter school contract.

31 g. Acquire from public or private sources real property for  
32 use as a charter school or a facility directly related to the  
33 operations of the charter school.

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

35 i. Operate an education program that may be offered by any

1 noncharter public school or school district.

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

6 a. Meet all applicable federal, state, and local health and  
7 safety requirements and laws prohibiting discrimination on the  
8 basis of race, creed, color, sex, sexual orientation, gender  
9 identity, national origin, religion, ancestry, or disability.  
10 If approved under section 256E.4, the charter school shall be  
11 subject to any court-ordered desegregation in effect for the  
12 school district at the time the charter school application is  
13 approved, unless otherwise specifically provided for in the  
14 desegregation order.

15 b. Operate as a nonsectarian, nonreligious school.

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

18 d. Be subject to and comply with chapters 216 and 216A  
19 relating to civil and human rights.

20 e. Provide special education services in accordance with  
21 chapter 256B.

22 f. Be subject to the same financial audits, audit  
23 procedures, and audit requirements as a school district. The  
24 audit shall be consistent with the requirements of sections  
25 11.6, 11.14, 11.19, and 279.29, and section 256.9, subsection  
26 20, except to the extent deviations are necessary because  
27 of the program at the school. The department, the auditor  
28 of state, or the legislative services agency may conduct  
29 financial, program, or compliance audits.

30 g. Be subject to and comply with the requirements of section  
31 256.7, subsection 21, and the educational standards of section  
32 256.11, unless specifically waived by the state board during  
33 the application process.

34 h. Provide instruction for at least the number of days  
35 or hours required by section 279.10, subsection 1, unless



1 specifically waived by the state board as part of the  
2 application process.

3 *i.* Comply with the requirements of this chapter.

4 2A. The governing board's meetings shall be conducted in a  
5 manner that is open to the public and the governing board shall  
6 be a governmental body for purposes of chapter 21.

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

11 4. A charter school shall not discriminate in its student  
12 admissions policies or practices on the basis of intellectual  
13 or athletic ability, measures of achievement or aptitude, or  
14 status as a person with a disability. However, a charter  
15 school may limit admission to students who are within a  
16 particular range of ages or grade levels or on any other  
17 basis that would be legal if initiated by a school district.  
18 Enrollment priority shall be given to the siblings of students  
19 enrolled in a charter school.

20 5. A charter school shall enroll an eligible student who  
21 submits a timely application unless the number of applications  
22 exceeds the capacity of a program, class, grade level, or  
23 building. In this case, students must be accepted by lot.  
24 Upon enrollment of an eligible student, the charter school  
25 shall notify the public school district of residence not later  
26 than March 1 of the preceding school year.

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

30 7. Each charter school governing board shall adopt a policy  
31 regarding the hiring of family members to avoid nepotism in  
32 hiring and supervision. The policy shall include but is not  
33 limited to a disclosure to the governing board of potential  
34 nepotism in hiring and supervision. Any person subject to the  
35 policy with a conflict shall not be involved in the hiring

1 decision or supervision of a potential employee.

2 8. Individuals compensated by an education service provider  
3 are prohibited from serving as a voting member on the governing  
4 board of any charter school unless the state board waives such  
5 prohibition.

6 9. If the charter school is operated by an education service  
7 provider, the governing board of the charter school shall have  
8 access to all records of the education service provider that  
9 are necessary to evaluate any provision of the contract or  
10 evaluate the education service provider's performance under the  
11 contract.

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

17 11. The governing board shall post the charter school's  
18 annual budget on the charter school's internet site for public  
19 viewing within ten days of approval of the budget. Each posted  
20 budget shall continue to be accessible for public viewing on  
21 the internet site for all subsequent budget years.

22 **Sec. 8. NEW SECTION. 256E.8 Funding.**

23 1. Each student enrolled in a charter school established  
24 under this chapter shall be counted, for state school  
25 foundation purposes, in the student's district of residence  
26 pursuant to section 257.6, subsection 1, paragraph "a",  
27 subparagraph (9), including any applicable amounts under  
28 section 256B.9. For purposes of this section, residence means  
29 a residence under section 282.1..

30 2. a. The school district of residence shall pay to the  
31 charter school in which the student is enrolled in the manner  
32 required under section 282.18, and pursuant to the timeline  
33 in section 282.20, subsection 3, an amount equal to the sum  
34 of the state cost per pupil for the previous school year plus  
35 the teacher leadership supplement state cost per pupil for the

1 previous fiscal year as provided in section 257.9 plus any  
2 moneys received for the student as a result of the non-English  
3 speaking weighting under section 280.4, subsection 3, for the  
4 previous school year multiplied by the state cost per pupil  
5 for the previous year. If a student is an eligible pupil  
6 under section 261E.6, the charter school shall pay the tuition  
7 reimbursement amount to an eligible postsecondary institution  
8 as provided in section 261E.7.

9     *b.* For a student requiring special education, the school  
10 district of residence shall pay to the charter school the  
11 actual costs incurred in providing the appropriate special  
12 education.

13     *c.* For each student enrolled in the charter school who  
14 was not included in the actual enrollment of the district of  
15 residence under section 257.6, subsection 1, in the previous  
16 school year, the amount otherwise required to be paid under  
17 paragraph "a" or "b" shall instead be paid by the department to  
18 the charter school for the student's initial year of enrollment  
19 in the charter school.

20     *d.* There is appropriated annually from the general fund of  
21 the state to the department of education an amount necessary to  
22 pay all applicable amounts to charter schools under paragraph  
23 "c".

24     3. The charter school shall complete and provide to the  
25 students' school districts of residence all documentation  
26 necessary to seek Medicaid reimbursement for eligible services.

27     4. If necessary, and pursuant to rules adopted by the state  
28 board, funding amounts required under this section for the  
29 first school year of a new charter school shall be based on  
30 enrollment estimates for the charter school included in the  
31 charter school contract. Initial amounts paid using estimated  
32 enrollments shall be reconciled during the subsequent payment  
33 based on actual enrollment of the charter school during the  
34 first school year.

35     Sec. 9. NEW SECTION. 256E.9 Performance framework.

1 1. The performance provisions within the charter school  
2 contract shall be based on a performance framework adopted  
3 by the state board that clearly sets forth the academic and  
4 operational performance indicators, measures, and metrics that  
5 will guide the evaluation of the charter school by the state  
6 board, without compromising individual student privacy. The  
7 performance framework shall include but is not limited to  
8 indicators, measures, and metrics for all of the following:

- 9 a. Student academic proficiency.
- 10 b. Student academic growth.
- 11 c. Achievement gaps in both proficiency and growth between  
12 specified populations or groups of students, including groups  
13 based on gender, race, poverty, special education status,  
14 limited English proficiency, and gifted status.
- 15 d. Attendance.
- 16 e. Enrollment attrition.
- 17 f. Postsecondary readiness for students in grades nine  
18 through twelve.
- 19 g. Goals specified in the charter school's mission.
- 20 h. Financial performance and sustainability.
- 21 i. Governing board performance and stewardship, including  
22 compliance with all applicable laws, regulations, and terms of  
23 the charter contract.

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

33 3. The state board is responsible for collecting,  
34 analyzing, and reporting all data from state assessments and  
35 other state data sources in accordance with the performance

1 framework. However, all efforts shall be made by all  
2 parties to the charter school contract to eliminate or reduce  
3 duplicative data reporting requirements.

4 4. Multiple charter schools operating under a single  
5 charter school contract shall be required to report their  
6 performance data as separate, individual schools, with each  
7 charter school held independently accountable for performance.

8 5. Each charter school established under this chapter  
9 shall be evaluated and graded by the department pursuant to  
10 the attendance center performance ranking system developed and  
11 adopted by the department.

12 Sec. 10. NEW SECTION. **256E.10 Oversight — corrective**  
13 **action — contract renewal — revocation.**

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

26 2. As part of the charter school contract, the charter  
27 school may be required to submit an annual report to assist the  
28 state board in evaluating the charter school's performance and  
29 compliance with the performance framework.

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

1 section apply.

2 4. The state board may take appropriate corrective actions  
3 or impose sanctions, other than revocation, in response to  
4 deficiencies in the charter school's performance or compliance  
5 with applicable laws and rules. Such actions or sanctions may  
6 include requiring the charter school to develop and execute a  
7 corrective action plan within a specified time period.

8 5. A charter school contract may be renewed for periods of  
9 time not to exceed an additional five years.

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

21 7. The renewal application guidance shall, at a minimum,  
22 include the criteria that will be used when assessing charter  
23 school contract renewal decisions and provide an opportunity  
24 for the charter school to:

25 a. Present additional evidence, beyond the data contained in  
26 the performance report.

27 b. Describe improvements undertaken or planned for the  
28 charter school.

29 c. Describe the charter school's plans, including any  
30 proposed modifications, for the next charter school contract  
31 term.

32 8. No later than October 1, the governing board of a charter  
33 school seeking renewal shall submit a renewal application to  
34 the state board pursuant to the renewal application guidance.  
35 A renewal or denial shall be approved by resolution of the

1 state board within sixty days following the filing of the  
2 renewal application.

3 9. Unless eligible for expedited renewal under subsection  
4 13, when reviewing a charter school contract renewal  
5 application, the state board shall do all of the following:

6 a. Use evidence of the school's performance over the term of  
7 the charter school contract in accordance with the applicable  
8 performance framework.

9 b. Ensure that data used in making renewal decisions is  
10 available to the charter school and the public.

11 c. Provide a report summarizing the evidence that served as  
12 a basis for the decision.

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

16 a. Committed a material violation of any of the terms,  
17 conditions, standards, or procedures required under the charter  
18 school contract or this chapter.

19 b. Failed to meet or make sufficient progress toward the  
20 performance expectations set forth in the charter school  
21 contract.

22 c. Failed to meet generally accepted standards of fiscal  
23 management.

24 d. Violated a provision of law from which the charter school  
25 was not exempted.

26 11. The state board shall develop charter school contract  
27 revocation and nonrenewal standards and procedures that do all  
28 of the following:

29 a. Provide the charter school with a timely notice of the  
30 possibility of revocation or nonrenewal and of the reasons  
31 therefor.

32 b. Allow the charter school a reasonable period of time in  
33 which to prepare a response to any notice received.

34 c. Provide the charter school an opportunity to submit  
35 documents and give testimony challenging the decision to revoke

1 the charter school contract or the decision to not renew the  
2 contract.

3 *d.* Allow the charter school the opportunity to hire legal  
4 representation and to call witnesses.

5 *e.* Permit the audio or video recording of such proceedings  
6 described in paragraphs "*c*" and "*d*".

7 *f.* Require a final decision to be conveyed in writing to the  
8 charter school.

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

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

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

31 1. Prior to any charter school closure decision, the state  
32 board shall develop a charter school closure protocol to ensure  
33 timely notice to parents and guardians, provide for the orderly  
34 transition of students and student records to new schools, and  
35 to provide proper disposition of school funds, property, and



1 assets in accordance with the requirements of this chapter.  
2 The protocol shall specify required actions and timelines and  
3 identify responsible parties for each such action.

4 2. In the event of a charter school closure, the assets of  
5 the charter school shall be used first to satisfy outstanding  
6 payroll obligations for employees of the school, then to  
7 creditors of the school, then to the public school district in  
8 which the charter school operated, if applicable, and then to  
9 the state general fund. If the assets of the charter school  
10 are insufficient to pay all obligations of the charter school,  
11 the prioritization of the distribution of assets shall be  
12 consistent with this subsection and otherwise determined by the  
13 district court.

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

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

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

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

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

3 Sec. 14. NEW SECTION. 256F.12 **Operation of existing charter**  
4 **schools.**

5 Charter schools established under this chapter prior to July  
6 1, 2021, shall continue to operate under and be subject to  
7 the requirements of this chapter and shall not be subject to  
8 chapter 256E.

9 Sec. 15. Section 257.6, subsection 1, paragraph a, Code  
10 2021, is amended by adding the following new subparagraph:

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

13 Sec. 16. Section 257.31, subsection 5, paragraph d, Code  
14 2021, is amended to read as follows:

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

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

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

1 individual with educational services in an alternative setting.

2 Sec. 18. Section 282.18, subsection 4, paragraph b, Code  
3 2021, is amended to read as follows:

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