

FEB 20 2006
Place On Calendar

HOUSE FILE 2445
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2109)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing community colleges and state universities to
2 seek approval to establish charter magnet schools and
3 increasing the number of charter schools that may be approved
4 and providing an effective date.

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

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HF 2445

1 Section 1. Section 256F.1, subsection 2, Code 2005, is
2 amended to read as follows:

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

8 Sec. 2. Section 256F.2, subsection 3, Code 2005, is
9 amended to read as follows:

10 3. "Charter school" means a state public charter school
11 operated as a pilot program. "Charter school" also means a
12 charter magnet school as described in section 256F.3,
13 subsection 6A.

14 Sec. 3. Section 256F.2, Code 2005, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4B. "Public postsecondary institution"
17 means a community college established under chapter 260C or an
18 institution of higher education governed by the state board of
19 regents.

20 Sec. 4. Section 256F.3, subsection 1, Code 2005, is
21 amended to read as follows:

22 1. The state board of education shall apply for a federal
23 grant under Pub. L. No. 107-110, cited as the federal No Child
24 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for
25 purposes of providing financial assistance for the planning,
26 program design, and initial implementation of public charter
27 schools. The department shall initiate a pilot program to
28 test the effectiveness of charter schools and shall implement
29 the applicable provisions of this chapter. However, if
30 federal funds are no longer available for purposes of this
31 chapter, the department may continue to approve charter school
32 applications up to the limit specified in subsection 6B.

33 Sec. 5. Section 256F.3, subsection 6, Code 2005, is
34 amended to read as follows:

35 6. Upon approval of an application for the proposed

1 establishment of a charter school, the school board shall
2 submit an application for approval to establish the charter
3 school to the state board in accordance with section 256F.5.

4 The

5 6A. A public postsecondary institution may apply to the
6 state board for approval to establish a junior-senior high or
7 a senior high charter magnet school. The application
8 submitted by a public postsecondary institution shall meet the
9 requirements of subsection 6B. In addition to the purposes
10 set forth in section 256F.1, subsection 3, a charter magnet
11 school shall provide students who are enrolled in the charter
12 magnet school with a rigorous educational program with a
13 specialized focus that will prepare students to attain a
14 postsecondary degree. The specialized focus of the
15 educational program shall include at least one or more of the
16 following subject areas:

17 a. Science.

18 b. Mathematics.

19 c. Engineering.

20 d. Computer science.

21 e. Biotechnology.

22 f. International studies, emphasizing foreign languages,
23 social sciences, and communications.

24 6B. An application submitted to the state board pursuant
25 to this section shall set forth the manner in which the
26 charter school will provide special instruction, in accordance
27 with section 280.4, to students who are limited English
28 proficient. The application shall set forth the manner in
29 which the charter school will comply with federal and state
30 laws and regulations relating to the federal National School
31 Lunch Act and the federal Child Nutrition Act of 1966, 42
32 U.S.C. § 1751-1785, and chapter 283A. The state board shall
33 approve only those applications that meet the requirements
34 specified in section 256F.1, subsection 3, and sections 256F.4
35 and 256F.5. The state board may deny an application if the

1 state board deems that approval of the application is not in
2 the best interest of the affected students. ~~The state board~~
3 ~~shall approve not more than ten charter school applications.~~
4 ~~The state board shall approve not more than one charter school~~
5 ~~application per school district. -- However, if the state board~~
6 ~~receives ten or fewer applications as of June 30, 2003, and~~
7 ~~two or more of the applications received by the state board by~~
8 ~~that date are submitted by one school district, the state~~
9 ~~board may approve any or all of the applications submitted by~~
10 ~~the school district.~~ The state board shall adopt rules in
11 accordance with chapter 17A for the implementation of this
12 chapter.

13 Sec. 6. Section 256F.4, subsection 4, Code 2005, is
14 amended to read as follows:

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

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

31 b. Transportation to and from a charter magnet school for
32 a student attending the charter magnet school shall be
33 provided by the parent or guardian without reimbursement.
34 However, if the student meets the economic eligibility
35 requirements established by the department and state board of

1 education, the charter magnet school is responsible for
2 providing transportation or paying the pro rata cost of the
3 transportation to a parent or guardian for transporting the
4 pupil to and from the charter magnet school.

5 Sec. 7. Section 256F.4, subsection 7, Code 2005, is
6 amended to read as follows:

7 7. A charter school shall be considered a part of the
8 school district in which it is located for purposes of state
9 school foundation aid pursuant to chapter 257. However, a
10 student enrolled in a charter school established pursuant to
11 section 256F.3, subsection 6A, shall be counted, for state
12 school foundation aid purposes, in the pupil's district of
13 residence. A pupil's residence, for purposes of this section,
14 means a residence under section 282.1. The board of directors
15 of the district of residence shall pay to the charter magnet
16 school established pursuant to section 256F.3, subsection 6A,
17 the state cost per pupil for the previous school year, plus
18 any moneys received for the pupil as a result of the non-
19 English speaking weighting under section 280.4, subsection 3,
20 for the previous school year multiplied by the state cost per
21 pupil for the previous year. If the student enrolled in the
22 charter magnet school is also an eligible pupil under chapter
23 261C, the receiving district shall pay the tuition
24 reimbursement amount to an eligible postsecondary institution
25 as provided in section 261C.6.

26 Sec. 8. Section 256F.4, Code 2005, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 9. A charter magnet school established
29 pursuant to section 256F.3, subsection 6A, shall establish
30 graduation requirements and may award diplomas to students who
31 meet the graduation requirements established.

32 Sec. 9. Section 256F.5, subsection 4, Code 2005, is
33 amended to read as follows:

34 4. The method for appointing or forming an advisory
35 council for the charter school. The membership of an advisory

1 council appointed or formed in accordance with this chapter
2 shall not include more than one member of the school board if
3 the charter school is established pursuant to section 256F.3,
4 subsections 2 through 6.

5 Sec. 10. Section 256F.6, subsections 1 and 3, Code 2005,
6 are amended to read as follows:

7 1. An approved charter school application shall constitute
8 an agreement, the terms of which shall, at a minimum, be the
9 terms of a four-year enforceable, renewable contract between
10 the school board or a public postsecondary institution and the
11 state board. The contract shall include an operating
12 agreement for the operation of the charter school. The terms
13 of the contract may be revised at any time with the approval
14 of both the state board and the school board or the public
15 postsecondary institution, whether or not the stated
16 provisions of the contract are being fulfilled. The charter
17 school shall provide parents and guardians of students
18 enrolled in the charter school with a copy of the charter
19 school application approved pursuant to section 256F.5.

20 3. The state board of education shall provide by rule for
21 the ongoing review of a school board's or public postsecondary
22 institution's compliance with a contract entered into in
23 accordance with this chapter.

24 Sec. 11. Section 256F.7, subsections 2 and 3, Code 2005,
25 are amended to read as follows:

26 2. The school board, or the public postsecondary
27 institution if the charter school is established pursuant to
28 section 256F.3, subsection 6A, in consultation with the
29 advisory council, shall decide matters related to the
30 operation of the school, including budgeting, curriculum, and
31 operating procedures.

32 3. Employees of a charter school shall be considered
33 employees of the school district, or if the charter school is
34 established pursuant to section 256F.3, subsection 6A, the
35 public postsecondary institution. However, sections 279.12

1 through 279.19 and section 279.27 shall apply to employees of
2 a charter school if the employees are licensed by the board of
3 educational examiners under chapter 272 and the charter school
4 is established pursuant to section 256F.3, subsection 6A. In
5 applying those sections in chapter 279, references to the
6 board of directors of a school district shall be interpreted
7 to apply to the public postsecondary institution.

8 Sec. 12. Section 256F.8, subsection 1, unnumbered
9 paragraph 1, Code 2005, is amended to read as follows:

10 A contract for the establishment of a charter school may be
11 revoked by the state board or the school board or public
12 postsecondary institution that established the charter school
13 if the appropriate board determines that one or more of the
14 following occurred:

15 Sec. 13. Section 256F.8, subsections 2, 3, 4, 6, and 7,
16 Code 2005, are amended to read as follows:

17 2. The decision by a school board or public postsecondary
18 institution to revoke or to fail to take action to renew a
19 charter school contract is subject to appeal under procedures
20 set forth in chapter 290.

21 3. A school board or public postsecondary institution
22 considering revocation or nonrenewal of a charter school
23 contract shall notify the advisory council, the parents or
24 guardians of the students enrolled in the charter school, and
25 the teachers and administrators employed by the charter
26 school, sixty days prior to revoking or the date by which the
27 contract must be renewed, but not later than the last day of
28 classes in the school year.

29 4. If the state board determines that a charter school is
30 in substantial violation of the terms of the contract, the
31 state board shall notify the school board or the public
32 postsecondary institution and the advisory council of its
33 intention to revoke the contract at least sixty days prior to
34 revoking a contract and the school board or the public
35 postsecondary institution shall assume oversight authority,

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

19 6. A school board or public postsecondary institution
20 revoking a contract or a school board or public postsecondary
21 institution or advisory council that fails to renew a contract
22 under this chapter is not liable for that action to the
23 charter school, a student enrolled in the charter school or
24 the student's parent or guardian, or any other person.

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

29 Sec. 14. Section 256F.10, subsection 1, Code 2005, is
30 amended to read as follows:

31 1. A charter school shall report at least annually to the
32 school board or the public postsecondary institution, as
33 applicable, advisory council, and the state board the
34 information required by the school board or the public
35 postsecondary institution, as applicable, advisory council, or

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

3 Sec. 15. EFFECTIVE DATE. This Act, being deemed of
4 immediate importance, takes effect upon enactment.

5 EXPLANATION

6 This bill removes the limitation on the number of charter
7 school applications the state board of education may approve
8 and authorizes the state board to approve applications for the
9 establishment, by community colleges or state universities, of
10 junior-senior high or senior high charter magnet schools. The
11 bill allows the department to continue to approve charter
12 schools whether or not federal funds are available.

13 Code chapter 256F currently provides that a charter school
14 is a public school that is either a new school within an
15 existing public school or an existing public school converted
16 to charter status. The principal, teachers, or parents or
17 guardians of students at an existing public school who wish to
18 establish a charter school must submit an application to the
19 board of directors of the school board and, upon receiving
20 approval from the school board, must submit an application to
21 the state board of education for final approval. The bill
22 makes numerous changes to Code chapter 256F to allow for the
23 establishment of a charter magnet school by a community
24 college or state university and to require that a charter
25 magnet school and its sponsor adhere to the same requirements
26 currently established for charter schools established by
27 school districts, with the exception of the transportation
28 requirements.

29 Charter magnet school students are to be counted, for
30 school foundation aid purposes, in the student's district of
31 residence. The school district of residence must pay to the
32 charter magnet school the state cost per pupil and any moneys
33 received for non-English speaking weighting for the previous
34 school year. The school district is also responsible for the
35 tuition reimbursement amount if the student takes courses

1 under the postsecondary enrollment options Act.

2 The bill provides that a charter magnet school must provide
3 students with a rigorous educational program that will prepare
4 students to attain a postsecondary degree and establish a
5 specialized focus on one or more of the following subjects:
6 science; mathematics; engineering; computer science;
7 biotechnology; and international studies. The bill permits a
8 charter magnet school to establish graduation requirements and
9 award diplomas to students.

10 The bill places the responsibility for providing students
11 with transportation to and from the charter magnet school on
12 the parent or guardian. However, if the student meets low-
13 income guidelines, the charter magnet school must provide the
14 transportation or reimburse the parent or guardian for
15 providing transportation.

16 The bill also eliminates an obsolete provision regarding
17 charter school applications received in 2003.

18 The bill takes effect upon enactment.

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HOUSE FILE 2445

H-8143

- 1 Amend House File 2445 as follows:
- 2 1. Page 2, by inserting after line 23 the
- 3 following:
- 4 "g. Agriculture."
- 5 2. By renumbering as necessary.

By ANDERSON of Page

H-8143 FILED MARCH 8, 2006

OUT OF ORDER

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HOUSE FILE 2445

H-8051

1 Amend House File 2445 as follows:

- 2 1. Page 1, line 32, by striking the words and
3 figure "up to the limit specified in subsection 6B".

By WISE of Lee

H-8051 FILED FEBRUARY 22, 2006

HOUSE FILE 2445

H-8055

1 Amend House File 2445 as follows:

- 2 1. Page 1, line 27, by inserting after the word
3 "schools." the following: "However, if federal funds
4 are no longer available for purposes of this chapter,
5 the department may continue to approve charter school
6 applications."
7 2. Page 1, by striking lines 29 through 32, and
8 inserting the following: "the applicable provisions
9 of this chapter. The state board shall monitor and
10 review charter school progress on the comprehensive
11 school improvement plan and student achievement goals
12 established by a charter school pursuant to section
13 256F.4 and on the performance goals and objectives
14 described pursuant to section 256F.5."
15 3. By renumbering as necessary.

By MASCHER of Johnson

H-8055 FILED FEBRUARY 22, 2006

HOUSE FILE 2445

H-8056

1 Amend House File 2445 as follows:

- 2 1. Page 3, by inserting after line 12 the
3 following:
4 "Sec. ____ . Section 256F.4, subsection 2, Code
5 2005, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. k. Implement, at a minimum, the
8 model core curriculum developed by the state board
9 pursuant to section 256.7, subsection 26."
10 2. By renumbering as necessary.

By MASCHER of Johnson

H-8056 FILED FEBRUARY 22, 2006

HOUSE FILE 2445

H-8057

1 Amend House File 2445 as follows:

2 1. Page 3, by inserting after line 12 the
3 following:

4 "Sec. _____. Section 256F.4, subsection 2, Code
5 2005, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. k. Comply with the federal No
8 Child Left Behind Act of 2001, Pub. L. No. 107-110,
9 and any federal regulations adopted pursuant to the
10 federal Act, and meet the requirements of section
11 256.7, subsection 21."

12 2. Page 4, by inserting after line 4 the
13 following:

14 "Sec. _____. Section 256F.4, subsection 6, Code
15 2005, is amended by striking the subsection."

16 3. By renumbering as necessary.

By MASCHER of Johnson

H-8057 FILED FEBRUARY 22, 2006

HOUSE FILE 2445
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2109)

(As Amended and Passed by the House March 8, 2006)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing community colleges and state universities to
2 seek approval to establish charter magnet schools and
3 increasing the number of charter schools that may be approved
4 and providing an effective date.

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

6

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House Amendments _____

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TLSB 5466HV 81

kh/gg/14

1 Section 1. Section 256F.1, subsection 2, Code 2005, is
2 amended to read as follows:

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

8 Sec. 2. Section 256F.2, subsection 3, Code 2005, is
9 amended to read as follows:

10 3. "Charter school" means a state public charter school
11 operated as a pilot program. "Charter school" also means a
12 charter magnet school as described in section 256F.3,
13 subsection 6A.

14 Sec. 3. Section 256F.2, Code 2005, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4B. "Public postsecondary institution"
17 means a community college established under chapter 260C or an
18 institution of higher education governed by the state board of
19 regents.

20 Sec. 4. Section 256F.3, subsection 1, Code 2005, is
21 amended to read as follows:

22 1. The state board of education shall apply for a federal
23 grant under Pub. L. No. 107-110, cited as the federal No Child
24 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for
25 purposes of providing financial assistance for the planning,
26 program design, and initial implementation of public charter
27 schools. However, if federal funds are no longer available
28 for purposes of this chapter, the department may continue to
29 approve charter school applications. The department shall
30 initiate a pilot program to test the effectiveness of charter
31 schools and shall implement the applicable provisions of this
32 chapter. The state board shall monitor and review charter
33 school progress on the comprehensive school improvement plan
34 and student achievement goals established by a charter school
35 pursuant to section 256F.4 and on the performance goals and

1 objectives described pursuant to section 256F.5.

2 Sec. 5. Section 256F.3, subsection 6, Code 2005, is
3 amended to read as follows:

4 6. Upon approval of an application for the proposed
5 establishment of a charter school, the school board shall
6 submit an application for approval to establish the charter
7 school to the state board in accordance with section 256F.5.

8 The

9 6A. A public postsecondary institution may apply to the
10 state board for approval to establish a junior-senior high or
11 a senior high charter magnet school. The application
12 submitted by a public postsecondary institution shall meet the
13 requirements of subsection 6B. In addition to the purposes
14 set forth in section 256F.1, subsection 3, a charter magnet
15 school shall provide students who are enrolled in the charter
16 magnet school with a rigorous educational program with a
17 specialized focus that will prepare students to attain a
18 postsecondary degree. The specialized focus of the
19 educational program shall include at least one or more of the
20 following subject areas:

21 a. Science.

22 b. Mathematics.

23 c. Engineering.

24 d. Computer science.

25 e. Biotechnology.

26 f. International studies, emphasizing foreign languages,
27 social sciences, and communications.

28 6B. An application submitted to the state board pursuant
29 to this section shall set forth the manner in which the
30 charter school will provide special instruction, in accordance
31 with section 280.4, to students who are limited English
32 proficient. The application shall set forth the manner in
33 which the charter school will comply with federal and state
34 laws and regulations relating to the federal National School
35 Lunch Act and the federal Child Nutrition Act of 1966, 42

1 U.S.C. § 1751-1785, and chapter 283A. The state board shall
2 approve only those applications that meet the requirements
3 specified in section 256F.1, subsection 3, and sections 256F.4
4 and 256F.5. The state board may deny an application if the
5 state board deems that approval of the application is not in
6 the best interest of the affected students. ~~The state board
7 shall approve not more than ten charter school applications.
8 The state board shall approve not more than one charter school
9 application per school district. -- However, if the state board
10 receives ten or fewer applications as of June 30, 2003, and
11 two or more of the applications received by the state board by
12 that date are submitted by one school district, the state
13 board may approve any or all of the applications submitted by
14 the school district.~~ The state board shall adopt rules in
15 accordance with chapter 17A for the implementation of this
16 chapter.

17 Sec. 6. Section 256F.4, subsection 4, Code 2005, is
18 amended to read as follows:

19 4. A charter school shall enroll an eligible resident
20 student who submits a timely application unless the number of
21 applications exceeds the capacity of a program, class, grade
22 level, or building. In this case, students must be accepted
23 by lot. A charter school may enroll an eligible nonresident
24 student who submits a timely application in accordance with
25 the student admission policy established pursuant to section
26 256F.5, subsection 1.

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

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

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

9 Sec. 7. Section 256F.4, subsection 7, Code 2005, is
10 amended to read as follows:

11 7. A charter school shall be considered a part of the
12 school district in which it is located for purposes of state
13 school foundation aid pursuant to chapter 257. However, a
14 student enrolled in a charter school established pursuant to
15 section 256F.3, subsection 6A, shall be counted, for state
16 school foundation aid purposes, in the pupil's district of
17 residence. A pupil's residence, for purposes of this section,
18 means a residence under section 282.1. The board of directors
19 of the district of residence shall pay to the charter magnet
20 school established pursuant to section 256F.3, subsection 6A,
21 the state cost per pupil for the previous school year, plus
22 any moneys received for the pupil as a result of the non-
23 English speaking weighting under section 280.4, subsection 3,
24 for the previous school year multiplied by the state cost per
25 pupil for the previous year. If the student enrolled in the
26 charter magnet school is also an eligible pupil under chapter
27 261C, the receiving district shall pay the tuition
28 reimbursement amount to an eligible postsecondary institution
29 as provided in section 261C.6.

30 Sec. 8. Section 256F.4, Code 2005, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 9. A charter magnet school established
33 pursuant to section 256F.3, subsection 6A, shall establish
34 graduation requirements and may award diplomas to students who
35 meet the graduation requirements established.

1 Sec. 9. Section 256F.5, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. The method for appointing or forming an advisory
4 council for the charter school. The membership of an advisory
5 council appointed or formed in accordance with this chapter
6 shall not include more than one member of the school board if
7 the charter school is established pursuant to section 256F.3,
8 subsections 2 through 6.

9 Sec. 10. Section 256F.6, subsections 1 and 3, Code 2005,
10 are amended to read as follows:

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

24 3. The state board of education shall provide by rule for
25 the ongoing review of a school board's or public postsecondary
26 institution's compliance with a contract entered into in
27 accordance with this chapter.

28 Sec. 11. Section 256F.7, subsections 2 and 3, Code 2005,
29 are amended to read as follows:

30 2. The school board, or the public postsecondary
31 institution if the charter school is established pursuant to
32 section 256F.3, subsection 6A, in consultation with the
33 advisory council, shall decide matters related to the
34 operation of the school, including budgeting, curriculum, and
35 operating procedures.

1 3. Employees of a charter school shall be considered
2 employees of the school district, or if the charter school is
3 established pursuant to section 256F.3, subsection 6A, the
4 public postsecondary institution. However, sections 279.12
5 through 279.19 and section 279.27 shall apply to employees of
6 a charter school if the employees are licensed by the board of
7 educational examiners under chapter 272 and the charter school
8 is established pursuant to section 256F.3, subsection 6A. In
9 applying those sections in chapter 279, references to the
10 board of directors of a school district shall be interpreted
11 to apply to the public postsecondary institution.

12 Sec. 12. Section 256F.8, subsection 1, unnumbered
13 paragraph 1, Code 2005, is amended to read as follows:

14 A contract for the establishment of a charter school may be
15 revoked by the state board or the school board or public
16 postsecondary institution that established the charter school
17 if the appropriate board determines that one or more of the
18 following occurred:

19 Sec. 13. Section 256F.8, subsections 2, 3, 4, 6, and 7,
20 Code 2005, are amended to read as follows:

21 2. The decision by a school board or public postsecondary
22 institution to revoke or to fail to take action to renew a
23 charter school contract is subject to appeal under procedures
24 set forth in chapter 290.

25 3. A school board or public postsecondary institution
26 considering revocation or nonrenewal of a charter school
27 contract shall notify the advisory council, the parents or
28 guardians of the students enrolled in the charter school, and
29 the teachers and administrators employed by the charter
30 school, sixty days prior to revoking or the date by which the
31 contract must be renewed, but not later than the last day of
32 classes in the school year.

33 4. If the state board determines that a charter school is
34 in substantial violation of the terms of the contract, the
35 state board shall notify the school board or the public

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

23 6. A school board or public postsecondary institution
24 revoking a contract or a school board or public postsecondary
25 institution or advisory council that fails to renew a contract
26 under this chapter is not liable for that action to the
27 charter school, a student enrolled in the charter school or
28 the student's parent or guardian, or any other person.

29 7. In the case of a revocation or a nonrenewal of the
30 charter, the school board or public postsecondary institution
31 is exempt from the state board's "Barker guidelines", as
32 provided in 1 D.P.I. App. Dec. 145 (1977).

33 Sec. 14. Section 256F.10, subsection 1, Code 2005, is
34 amended to read as follows:

35 1. A charter school shall report at least annually to the

1 school board or the public postsecondary institution, as
2 applicable, advisory council, and the state board the
3 information required by the school board or the public
4 postsecondary institution, as applicable, advisory council, or
5 the state board. The reports are public records subject to
6 chapter 22.

7 Sec. 15. EFFECTIVE DATE. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

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