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SSB-1086
Education

SENATE FILE SF/HF 348
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON BOETTGER)

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

A BILL FOR

1 An Act relating to the establishment of Iowa charter schools.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PILOT CHARTER SCHOOL PROGRAM

Section 1. NEW SECTION. 256F.1 FINDINGS AND INTENT.

The general assembly finds that the restrictions and requirements of state laws and regulations often prevent public schools and school districts from achieving effective education reform. To determine whether allowing public schools or school districts to operate under a charter can help a school or district more effectively achieve the goal of education reform, the general assembly finds that a pilot program should be enacted allowing public schools and school districts to specify their own duties, responsibilities, and operations. To assist public schools and school districts in meeting their student achievement and education reform goals, the general assembly finds that two charter school models are necessary, both of which shall be publicly authorized and publicly funded:

1. The state public charter school model.

2. The local public charter school model.

Sec. 2. NEW SECTION. 256F.2 PILOT PROGRAM --

DEFINITIONS.

1. Commencing with the school year beginning July 1, 2002, the state board of education shall initiate a pilot program to test the effectiveness of charter schools. The purpose of the pilot charter school program is to encourage public schools and school districts to determine creative ways to achieve the educational outcomes that meet the needs of all children to be successful. Under the program, the state board may approve as pilot programs not more than five state public charter school programs and not more than five local public charter school programs, unless the state board receives fewer applications than the maximum for either model, in which case, effective July 1, 2004, the state board may approve the applications for either model until it reaches a total of ten pilot programs. A school district approved as a pilot program for a state

1 public charter school shall be counted as one program under
 2 this section. The state board shall approve only those
 3 applications that meet the qualifications specified in section
 4 256F.3 or 256F.22, as applicable, in accordance with this
 5 chapter. To receive approval to establish a pilot charter
 6 school, the board of directors of a school district shall
 7 submit an application to the state board in accordance with
 8 section 256F.3 or 256F.22, as applicable, in accordance with
 9 this chapter. The state board shall adopt rules in accordance
 10 with chapter 17A for the implementation of this chapter. When
 11 considering applications, state board approval shall be based
 12 on whether the applications meet the following criteria, in
 13 order of priority:

14 a. Meets all of the qualifications specified in section
 15 256F.3 or section 256F.22, as applicable.

16 b. Ensures geographical distribution of pilot programs
 17 across the state.

18 c. Ensures distribution to small, medium, and large school
 19 districts.

20 d. That no other pilot charter school program of its type
 21 exists within the same school district.

22 2. The approval by the state board of an application shall
 23 not be conditioned upon the bargaining unit status of the
 24 employees of the charter school.

25 3. A school board may, by majority vote, submit the
 26 question of whether to operate the school district as a state
 27 public charter school to the eligible electors of the school
 28 district at any regular school election or at a special
 29 election called specifically for this purpose. The school
 30 board shall submit an application to the state board for
 31 approval of the state public charter school as a pilot program
 32 only if a majority of the eligible electors voting in an
 33 election called pursuant to this subsection vote in favor of
 34 the question.

35 4. "Department" means the department of education, for

1 purposes of this chapter.

2 5. "Pilot charter school", for purposes of this division,
3 means a state public or local public charter school operated
4 as a pilot program, as indicated by the context.

5 6. "Pilot charter school district" means a school district
6 operating under a contract with the state board in accordance
7 with this chapter.

8 7. "State board" means the state board of education, for
9 purposes of this chapter.

10 Sec. 3. NEW SECTION. 256F.3 GENERAL OPERATING
11 REQUIREMENTS.

12 1. Any pilot charter school that is approved to operate
13 shall operate under the provisions of its contract and shall
14 be subject to the following:

15 a. Shall meet all applicable federal, state, and local
16 health and safety requirements and laws prohibiting
17 discrimination on the basis of race, creed, color, sex,
18 national origin, religion, ancestry, or disability. A charter
19 school shall be subject to any court-ordered desegregation
20 plan in effect for the school district at the time the
21 school's charter application is approved.

22 b. Shall operate as a nonsectarian, nonreligious public
23 school.

24 c. Shall be free of tuition and application fees to Iowa
25 resident students between the ages of five and twenty-one
26 years.

27 d. Shall be subject to and shall comply with chapters 216
28 and 216A relating to civil and human rights.

29 e. Shall be considered a school district for purposes of
30 tort liability under chapter 670.

31 f. Shall not be used as a method of providing education or
32 generating revenue for students receiving competent private
33 instruction pursuant to chapter 299A.

34 g. Shall receive state moneys or be eligible to receive
35 state moneys as provided in chapters 256D, 256E, 257, 285, and

1 294A, as if it did not operate under a charter. A pilot
 2 charter school district may levy taxes and issue bonds as
 3 provided in chapters 73A, 75, 76, 257, 279, 296, and 298, as
 4 if it did not operate under a charter. The enrollment of the
 5 pilot charter school shall be included in the actual
 6 enrollment of the school district in which the pilot charter
 7 school is located except as provided in paragraph "h".

8 h. Shall operate within the same geographic boundaries
 9 that existed prior to its becoming a pilot charter school or
 10 district. The enrollment of the pilot charter school or
 11 district shall be calculated and submitted as provided in
 12 chapter 257 as if it did not operate under a charter.

13 i. Shall provide special education services in accordance
 14 with chapter 256B. However, the school district of residence
 15 shall be responsible for the difference between the state
 16 moneys received pursuant to the weighting plan under section
 17 256B.9, and the pilot charter school's extraordinary costs of
 18 instruction of children requiring special education.

19 j. Shall not discriminate in its student admissions
 20 policies or practices on the basis of intellectual or athletic
 21 ability, measures of achievement or aptitude, status as a
 22 person with a disability, or any other basis that would be
 23 illegal if practiced by a school district. However, a pilot
 24 charter school may limit admission to students who are within
 25 a particular range of age or grade level or on any other basis
 26 that would be legal if initiated by a school district.
 27 Enrollment priority shall be given to the siblings of students
 28 enrolled in a pilot charter school.

29 2. A pilot charter school shall enroll an eligible student
 30 who submits a timely application, unless the number of
 31 applications exceeds the capacity of a program, class, grade
 32 level, or building. In this case, students must be accepted
 33 by lot. A pilot charter school shall be subject to section
 34 282.18 as if it did not operate under a charter, except as
 35 provided in this chapter.

1 3. A pilot charter school is a public school and is part
2 of the state's system of public education. Except as provided
3 in this chapter, a pilot charter school is exempt from all
4 statutes and rules applicable to a school, a school board, or
5 a district, although it may elect to comply with one or more
6 provisions of statute or administrative rule.

7 4. The state board and a pilot charter school may freely
8 negotiate which state statutes and administrative rules apply
9 to the pilot charter school.

10 5. A bargaining unit formed by employees of a pilot
11 charter school shall be separate from a school district
12 bargaining unit, unless the entire school district is approved
13 as a pilot charter school.

14 6. A pilot charter school shall provide instruction for at
15 least the number of days required by section 279.10,
16 subsection 1, unless the school provides instruction
17 throughout the year according to section 256.20 or section
18 279.10, subsection 3.

19 Sec. 4. NEW SECTION. 256F.4 CONTRACT.

20 1. An approved pilot charter school application shall
21 constitute an agreement, the terms of which shall be the terms
22 of a four-year renewable contract between the pilot charter
23 school or pilot charter school district and the state board
24 under division II, and between the pilot charter school and
25 the local school district under division III. The contract
26 shall reflect all agreements regarding the operation of the
27 pilot charter school. The terms of the contract may be
28 revised at any time, with the approval of the state board and
29 the pilot charter school under division II, or with the
30 approval of the pilot charter school and the school district
31 under division III, whether or not the stated provisions of
32 the contract are being fulfilled.

33 2. The state board of education shall provide by rule for
34 the ongoing review of a pilot charter school's compliance with
35 a contract entered into in accordance with this chapter. The

1 department shall visit a pilot charter school district at
2 least once annually to determine the status and progress
3 toward the goals of its contract.

4 Sec. 5. NEW SECTION. 256F.5 INSTRUCTIONAL AND
5 NONINSTRUCTIONAL STAFF.

6 1. Employees of a pilot charter school may, if otherwise
7 eligible, organize under chapter 20 and comply with its
8 provisions as if it did not operate under a charter.

9 2. Practitioners employed by pilot charter schools shall
10 be licensed in accordance with chapter 272 except as follows:

11 a. Up to fifteen percent of the teachers employed by pilot
12 charter schools shall not be required to be licensed under
13 chapter 272.

14 b. A person may be employed as an administrator if the
15 person is pursuing a course of study leading to the completion
16 of all requirements for licensure as an administrator.

17 3. Practitioners employed in a pilot charter school shall
18 be public school employees for purposes of chapter 97B.

19 Sec. 6. NEW SECTION. 256F.6 PROCEDURES AFTER REVOCATION
20 -- STUDENT ENROLLMENT.

21 1. If the contract for a pilot charter school district is
22 revoked under section 256F.13, the state board shall merge the
23 territory of the school district with one or more contiguous
24 school districts at the end of the school year. Division of
25 assets and liabilities of the school district shall be as
26 provided in sections 275.29 through 275.31. Until the merger
27 is completed, and subject to a decision by the state board of
28 education, the pilot charter school district shall pay tuition
29 for its resident students to an accredited school district
30 under section 282.24. However, in lieu of merger and payment
31 of tuition by a pilot charter school district, the state board
32 may place the district under receivership for the remainder of
33 the school year or until the district meets the accreditation
34 requirements of section 256.11 or the terms of the contract
35 entered into pursuant to section 256F.4. The receivership

1 shall be under the direct supervision and authority of the
2 director of the department of education. The decision of
3 whether to merge the school district and require payment of
4 tuition for the district's students or to place the district
5 under receivership shall be based upon a determination by the
6 state board of the best interests of the students, parents,
7 residents of the community, teachers, administrators, and
8 board members of the district and the recommendations of the
9 director of the department of education. If the state board
10 revokes a contract, the revocation shall take effect on the
11 date established by the resolution of the state board, which
12 shall be no later than the end of the school year in which the
13 contract is revoked.

14 2. If a pilot charter school contract is revoked in
15 accordance with this chapter, a student who attended the
16 school, siblings of the student, or another student who
17 resides in the same place as the student may enroll in the
18 resident district or may submit an application to a
19 nonresident district according to section 282.18 at any time.
20 Applications and notices required by section 282.18 shall be
21 processed and provided in a prompt manner. The application
22 and notice deadlines in section 282.18 do not apply under
23 these circumstances.

24 Sec. 7. NEW SECTION. 256F.7 REPORTS.

25 1. Notwithstanding section 256F.3, subsection 3, not later
26 than December 1, 2003, and annually thereafter, the state
27 board shall submit a comprehensive report, with findings and
28 recommendations, to the senate and house standing committees
29 on education. The report shall evaluate pilot charter school
30 programs generally, including but not limited to, an
31 evaluation of whether the pilot programs are fulfilling the
32 purposes set forth in section 256F.11, subsection 1, and if
33 applicable, section 256F.22. The report also shall contain,
34 for each pilot charter school, a copy of the pilot charter
35 school's mission statement, attendance statistics and dropout

1 rate, aggregate assessment test scores, projections of
2 financial stability, and number of and comments on supervisory
3 visits by the department of education.

4 2. Notwithstanding section 256F.3, subsection 3, a pilot
5 charter school shall meet the reporting requirements of
6 section 256.7, subsection 21, paragraph "c". The department
7 shall disseminate the information submitted by a pilot charter
8 school in accordance with this section to all school
9 districts.

10 DIVISION II

11 THE STATE PUBLIC CHARTER SCHOOL MODEL

12 Sec. 8. NEW SECTION. 256F.11 APPLICATION -- DEFINITION.

13 1. An application for the approval of a pilot charter
14 school shall include, but shall not be limited to, a
15 description of the following:

16 a. The method for admission to a pilot charter school or
17 schools within a pilot charter school district.

18 b. The mission, purpose, innovation, and specialized focus
19 of the proposed pilot charter school or schools within a pilot
20 charter school district.

21 c. An explicit statement of the performance goals and
22 objectives, by which the school's student achievement shall be
23 judged, proposed by the school board or school district
24 attendance center submitting the application to the school
25 board, the measures to be used to assess progress, the
26 attendance center or the school district's current baseline
27 status with respect to the goals, and the time frame for
28 accomplishing the goals.

29 d. Procedures for teacher evaluation and professional
30 development for teachers and administrators.

31 e. The school or district governance and bylaws.

32 f. The financial plan for the operation of the school or
33 district.

34 g. The educational program, instructional methodology, and
35 services to be offered to students.

1 h. The number and qualifications of teachers and
2 administrators to be employed.

3 i. The organization of the school or schools within the
4 pilot charter school district in terms of ages of students or
5 grades to be taught along with an estimate of the total
6 enrollment of the school or schools within the pilot school
7 district.

8 j. The provision of school facilities and public
9 transportation.

10 k. A statement of equal educational opportunity which
11 shall state that the pilot charter school or district shall be
12 open to all students on a space-available basis, and shall not
13 discriminate on the basis of race, color, national origin,
14 creed, sex, ethnicity, sexual orientation, mental or physical
15 disability, age, ancestry, athletic performance, special need,
16 or proficiency in the English language, or academic
17 achievement.

18 l. Assurance of the assumption of liability by the pilot
19 charter school or district.

20 m. The types and amounts of insurance coverage to be
21 obtained by the pilot charter school or district.

22 n. A plan of operation to be implemented if the state
23 public charter school revokes or fails to renew its contract.

24 2. If an attendance center located within a district
25 submits an application to a school district, the board of
26 directors of the school district shall notify the applicant of
27 its decision to deny or approve the application within ninety
28 days of receiving the application. If the board denies the
29 application, or fails to notify the person of its decision in
30 a timely manner, the applicant may apply to the state board.
31 If the state board approves the application, the state board
32 shall notify the board of directors of the school district in
33 which the attendance center is located, and the school board
34 shall become the authorizing body for the pilot charter
35 school, shall issue a contract with the pilot charter school,

1 and shall otherwise comply with the provisions of the chapter.
2 The decision of the state board is final and is not subject to
3 review by a court or any other state agency.

4 3. A school district seeking approval for a pilot charter
5 school shall also submit with the application evidence of
6 broad-based support among parents, teachers, and pupils within
7 the school district for the formation of a pilot charter
8 school by way of a petition, public opinion survey, or other
9 similar, reliable indicator of public opinion.

10 4. For purposes of this division, "pilot charter school"
11 means a state public charter school operated as a pilot
12 program, unless the context indicates otherwise. "Attendance
13 center", means a public school building that houses
14 elementary, middle, or secondary school students. An
15 attendance center shall not enter into a charter school
16 contract with a school district under this division unless the
17 attendance center is located within the school district.

18 Sec. 9. NEW SECTION. 256F.12 ADDITIONAL PROVISIONS
19 REGARDING STATE PUBLIC PILOT CHARTER SCHOOLS.

20 1. A school district receiving approval to become a pilot
21 charter school district or to establish a pilot charter school
22 under division I and this division shall do the following:

23 a. Contract for an annual financial audit by a certified
24 public accountant in accordance with generally accepted
25 accounting principles. The audit shall examine the validity
26 and integrity of data reported to the state for state school
27 foundation aid purposes and internal controls of the charter
28 school or district. Notwithstanding any provision to the
29 contrary, a pilot charter school or district may, but shall
30 not be required to, conform to uniform state financial
31 accounting and reporting standards and processes, laws, and
32 regulations governing school districts.

33 b. Operate within the geographical boundaries of the
34 school district approved to establish the pilot charter
35 school.

1 c. Be accountable to the state board for purposes of
2 ensuring compliance with the charter provisions.

3 2. A pilot charter school or a pilot charter school
4 district shall be liable for timely payment on its bonded
5 indebtedness and subject to the same bonded indebtedness
6 limitations as if it did not operate under a charter.

7 3. A pilot charter school and a pilot charter school
8 district shall be accountable to the state board for purposes
9 of ensuring compliance with the charter provisions.

10 Sec. 10. NEW SECTION. 256F.13 REVOCATION OF CONTRACT.

11 1. A contract for the establishment of a state public
12 pilot charter school or district issued under this division
13 may be revoked either by the state board in the case of a
14 school or district, or, in the case of a school only, the
15 school board that established the pilot charter school if the
16 appropriate board determines that one or more of the following
17 occurred:

18 a. Failure of the pilot charter school or district to
19 abide by and meet the educational goals set forth in the
20 contract.

21 b. Failure of the pilot charter school or district to
22 comply with all applicable law.

23 c. Failure of the pilot charter school or district to meet
24 generally accepted public sector accounting principles.

25 d. The existence of one or more other grounds for
26 revocation as specified in the contract.

27 2. If the state board decides to consider a proposal to
28 revoke a contract in accordance with this section, the state
29 board shall notify the school district of the proposed action
30 at least sixty days prior to revoking a contract. If the
31 school district decides to consider a proposal to revoke a
32 contract, it shall notify the state board of the proposed
33 action at least sixty days prior to revoking the contract.
34 The notice shall state the grounds for the proposed action in
35 writing and in reasonable detail. If the state board is

1 initiating the action, the school district may request in
 2 writing an informal hearing before the state board within
 3 fourteen days of receiving notice of revocation of the
 4 contract. Upon receiving a timely written request for a
 5 hearing, the state board shall give reasonable notice to the
 6 school board of the hearing date. The state board shall
 7 conduct an informal hearing before taking final action. The
 8 school board shall take final action to revoke or approve
 9 continuation of a contract by the last day of classes in the
 10 school year. If the final action to revoke a contract under
 11 this section occurs prior to the last day of classes in the
 12 school year, a pilot charter school student may enroll in the
 13 resident district or another district as provided in section
 14 256F.6, subsection 2.

15 3. The decision of the state board or the school board to
 16 revoke a contract under this section is solely within the
 17 discretion of the state board or the school board, is final,
 18 and is not subject to review by a court or any other state
 19 agency. A board revoking a contract under this section is not
 20 liable for that action to the pilot charter school, a student
 21 enrolled in the pilot charter school or the student's parent
 22 or guardian, or any other person.

23 DIVISION III

24 THE LOCAL PUBLIC CHARTER SCHOOL MODEL

25 Sec. 11. NEW SECTION. 256F.21 LOCAL PUBLIC PILOT CHARTER
 26 SCHOOL -- AUTHORIZING AGENT.

27 1. The board of directors of a school district may become
 28 the authorizing agent for a pilot charter school if the board
 29 submits a copy of the contract established between the board
 30 and the proposed local operators of the proposed pilot charter
 31 school to the state board. However, the local operators shall
 32 have final authority over the content contained in the
 33 application. The state board shall approve or deny the
 34 establishment of a pilot charter school in accordance with
 35 this division only on the basis of whether the proposed pilot

1 charter school contract and location meets the requirements
2 set forth section 256F.2, subsection 1.

3 2. "Authorizing agent" means the board of directors of a
4 school district.

5 3. "Pilot charter school", for purposes of this division,
6 means a local public charter school operated as a pilot
7 program, except as provided in section 256F.22, subsection 2,
8 and unless the context indicates otherwise.

9 Sec. 12. NEW SECTION. 256F.22 CONTRACT TO ORGANIZE.

10 1. To obtain a contract to organize and operate a pilot
11 charter school in accordance with this division, a person may
12 apply to an authorizing agent. The application shall include
13 all of the information described in section 256F.11,
14 subsection 1, and all of the following information:

15 a. Identification of the applicant for the contract.

16 b. Subject to the resolution adopted by the authorizing
17 body under section 256F.24, subsection 2, a list of the
18 proposed members of the board of directors of the pilot
19 charter school and a description of the qualifications and
20 method for appointment or election of members of the pilot
21 charter school board of directors.

22 c. The proposed articles of incorporation, which shall
23 include at least all of the following:

24 (1) The name of the proposed pilot charter school.

25 (2) The mission, purpose, and specialized focus of the
26 proposed pilot charter school. This language shall provide
27 that the pilot charter school is incorporated pursuant to this
28 section and that the pilot charter school is a governmental
29 entity.

30 (3) The name of the authorizing body.

31 (4) The proposed time when the articles of incorporation
32 will be effective.

33 (5) Other matters considered expedient to be in the
34 articles of incorporation.

35 (6) The composition of the pilot charter school board.

1 d. Documentation meeting the application requirements of
2 the authorizing body, including at least all of the following:

3 (1) A copy of curricula to be offered by the pilot charter
4 school. To the extent applicable, the progress of the
5 students in the pilot charter school shall be reflected in the
6 report filed with the state board in accordance with section
7 256F.7.

8 (2) A description of how the applicant will provide to the
9 general public adequate notice that a pilot charter school is
10 being created and adequate information on the admission
11 policy, criteria, and process.

12 e. Descriptions of staff responsibilities.

13 f. Identification of where the pilot charter school will
14 be located, which shall be within the boundaries of the school
15 district acting as the authorizing body, including a
16 description of and the address for the proposed physical plant
17 in which the pilot charter school will be located. A pilot
18 charter school may be located in all or part of an existing
19 public school building. A pilot charter school shall not
20 operate at a site other than the single site requested for the
21 configuration of grades that will use the site, as specified
22 in its application.

23 g. An agreement that the pilot charter school will comply
24 with the provisions of this division and, subject to the
25 provisions of this chapter, with all other state and federal
26 law applicable to school districts.

27 2. Within ninety days of receiving an application made in
28 accordance with subsection 1, the board of directors of the
29 school district shall notify the applicant of its decision to
30 deny or approve the application. If the board denies the
31 application, or fails to notify the person of its decision in
32 a timely manner, the applicant may apply to the state board.
33 If the state board approves the application, the state board
34 shall notify the board of directors of the school district in
35 which the pilot charter school is located, and the school

1 board shall become the authorizing body for the pilot charter
2 school, shall issue a contract with the pilot charter school,
3 and shall otherwise comply with the provisions of the charter.
4 The decision of the state board is final and is not subject to
5 review by a court or any other state agency.

6 3. The authorizing body shall oversee the pilot charter
7 school operating under a contract issued by the authorizing
8 body. The oversight shall be sufficient to ensure that the
9 authorizing body can certify that the pilot charter school is
10 in compliance with applicable statute, administrative rules,
11 and the terms of the contract. However, control of
12 instruction at a pilot charter school shall be vested in the
13 board of directors of the pilot charter school under the
14 general supervision of that board.

15 4. If the state board finds that an authorizing body is
16 not engaging in appropriate continuing oversight of a pilot
17 charter school operating under a contract with the authorizing
18 body, the state board may suspend the power of the authorizing
19 body to issue new contracts to organize and operate pilot
20 charter schools. A contract issued by the authorizing body
21 during the suspension is void. A contract issued by the
22 authorizing body before the suspension is not affected by the
23 suspension.

24 Sec. 13. NEW SECTION. 256F.23 ADDITIONAL PROVISIONS
25 REGARDING LOCAL PUBLIC PILOT CHARTER SCHOOLS.

26 1. A pilot charter school established under this division
27 shall do the following:

28 a. Operate within the geographical boundaries of the
29 school district approved to establish the pilot charter
30 school.

31 b. Be accountable to the local school board for purposes
32 of ensuring compliance with the charter provisions.

33 2. An authorizing body is not required to issue a contract
34 to any person. Pilot charter school contracts shall be issued
35 on a competitive basis taking into consideration the resources

1 available for the proposed pilot charter school, the
2 population to be served by the proposed pilot charter school,
3 and the educational goals to be achieved by the proposed pilot
4 charter school.

5 3. A pilot charter school is subject to the same financial
6 audits, audit procedures, and audit requirements as a school
7 district. The audit shall be consistent with the requirements
8 of sections 11.6, 11.14, 11.19, 256.9, subsection 19, and
9 section 279.29, except to the extent deviations are necessary
10 because of the program at the school. The auditor of state
11 may conduct financial, program, or compliance audits.

12 Sec. 14. NEW SECTION. 256F.24 BOARD OF DIRECTORS.

13 1. A pilot charter school shall be organized and
14 administered under the direction of a board of directors.

15 2. The authorizing body shall adopt a resolution
16 establishing the method of board selection, length of term,
17 and number of members of the board of directors of each pilot
18 charter school. The person who applies to the authorizing
19 body under section 256F.22, subsection 1, shall hold an
20 election for members of the pilot charter school's board of
21 directors in a timely manner after the school is operating.
22 Staff members employed by the pilot charter school, including
23 teachers providing instruction under a contract with a
24 teaching cooperative and all parents or guardians of children
25 enrolled in the school, shall be given the opportunity to
26 participate in the election. A provisional board may operate
27 before the election of the school's board of directors.
28 Meetings of the board of directors of a pilot charter school
29 are subject to the provisions of chapter 21.

30 3. The board of directors for the pilot charter school
31 shall adopt bylaws and shall organize the pilot charter school
32 as a nonprofit association, nonprofit corporation, or business
33 corporation.

34 Sec. 15. NEW SECTION. 256F.25 REVOCATION OF CONTRACT.

35 1. A contract issued under this division may be revoked by

1 the authorizing body if it determines that one or more of the
2 following occurred:

3 a. Failure of the pilot charter school to abide by and
4 meet the educational goals set forth in the contract.

5 b. Failure of the pilot charter school to comply with all
6 applicable law.

7 c. Failure of the pilot charter school to meet generally
8 accepted public sector accounting principles.

9 d. The existence of one or more other grounds for
10 revocation as specified in the contract.

11 2. If the authorizing body determines to revoke a contract
12 in accordance with this division, the authorizing body shall
13 notify the pilot charter school of the proposed action at
14 least sixty days prior to revoking a contract. The notice
15 shall state the grounds for the proposed action in writing and
16 in reasonable detail. The pilot charter school may request in
17 writing an informal hearing before the authorizing body within
18 fourteen days of receiving notice of revocation of the
19 contract. Upon receiving a timely written request for a
20 hearing, the authorizing body shall give reasonable notice to
21 the pilot charter school of the hearing date. The authorizing
22 body shall conduct an informal hearing before taking final
23 action. The authorizing body shall take final action to
24 revoke or approve continuation of a contract by the last day
25 of classes in the school year. If the final action to revoke
26 a contract under this section occurs prior to the last day of
27 classes in the school year, a student attending the school may
28 enroll in the resident district or another district as
29 provided in section 256F.6, subsection 2.

30 3. The decision of the authorizing body to revoke a
31 contract under this section is subject to appeal under section
32 290.1. An authorizing body revoking a contract under this
33 section is not liable for that action to the pilot charter
34 school, a student enrolled in the pilot charter school or the
35 student's parent or guardian, or any other person.

1 Sec. 16. NEW SECTION. 256F.26 IMMUNITY.
 2 The state board, members of the state board, the
 3 authorizing body, members of the board of the authorizing body
 4 in their official capacity, and employees of an authorizing
 5 body are immune from civil or criminal liability for all
 6 reasonable actions taken in the performance of their duties
 7 related to a charter school they approve or oversee. The
 8 board of directors of the pilot charter school shall obtain at
 9 least the amount of and types of insurance required by the
 10 contract, pursuant to section 256F.11, subsection 1, paragraph
 11 "m".

12 Sec. 17. NEW SECTION. 256F.27 EXEMPTION FROM TAXATION.
 13 A pilot charter school is exempt from all state taxation on
 14 its earnings and property. Instruments of conveyance to or
 15 from a pilot charter school are exempt from all state
 16 taxation. A pilot charter school shall not levy taxes for any
 17 purpose. However, the operation of a pilot charter school and
 18 oversight of a pilot charter school by a school district shall
 19 not affect the ability of the school district to levy taxes in
 20 accordance with any applicable statute.

21 Sec. 18. NEW SECTION. 256F.28 OTHER AID -- INTERESTS IN
 22 PROPERTY.
 23 A pilot charter school may acquire by purchase, gift,
 24 devise, lease, sublease, installment purchase agreement, land
 25 contract, option, or by any other means, hold and own in its
 26 own name buildings and other property for school purposes and
 27 other interests, including, but not limited to, interests in
 28 property subject to mortgages, security interests, or other
 29 liens, necessary or convenient to fulfill its purposes. For
 30 the purposes of condemnation, a pilot charter school may
 31 proceed under chapter 6B or any other applicable statutes, but
 32 only with the express, written permission of the authorizing
 33 body in each instance of condemnation and only after just
 34 compensation has been determined and paid.

35 Sec. 19. NEW SECTION. 256F.29 LEASED SPACE.

1 A pilot charter school may lease space from a board
2 eligible to be an authorizing body or other public or private
3 nonprofit, nonsectarian organization. If a pilot charter
4 school is unable to lease appropriate space from an eligible
5 board or other public or private nonprofit, nonsectarian
6 organization, the school may lease space from another
7 nonsectarian organization if the department of education, in
8 consultation with the department of general services, approves
9 the lease. If the school is unable to lease appropriate space
10 from public or private nonsectarian organizations, the school
11 may lease space from a sectarian organization if the leased
12 space is constructed as a school facility and the department
13 of education, in consultation with the department of general
14 services, approves the lease.

15 Sec. 20. NEW SECTION. 256F.30 AUTHORITY TO RAISE INITIAL
16 WORKING CAPITAL.

17 The authorizing body may authorize a pilot charter school
18 before the applicant has secured its space, equipment,
19 facilities, and personnel, if the applicant indicates the
20 authority is necessary for it to raise working capital. An
21 authorizing body shall not authorize a school before the state
22 board has approved the application.

23 Sec. 21. NEW SECTION. 256F.31 TRANSPORTATION.

24 A pilot charter school shall provide transportation
25 services to students enrolled in the pilot charter school, as
26 if it was a school district, in accordance with section 285.1.
27 The state shall pay transportation aid to the pilot charter
28 school under chapter 285 as if it was a school district.

29 Sec. 22. NEW SECTION. 256D.32 DISSEMINATE INFORMATION.

30 The authorizing body, the pilot charter school, and the
31 department shall disseminate information to the public on how
32 to form and operate a charter school and how to utilize the
33 offerings of a charter school. Particular groups to be
34 targeted include low-income families and communities and
35 minority students.

1 Sec. 23. NEW SECTION. 256D.33 LEAVE TO TEACH IN A
2 CHARTER SCHOOL.

3 Each school district shall be required to grant a leave of
4 absence to any teacher in the school district requesting such
5 leave in order to teach in a pilot charter school. A teacher
6 may request a leave of absence for up to two years. While on
7 leave, the teacher shall retain the teacher's seniority. At
8 the end of the second year, the teacher may either return to
9 the teacher's former teaching position in the school district
10 or, if the teacher chooses, may continue teaching at the pilot
11 charter school and resign from the school district position.

12 Sec. 24. NEW SECTION. 256D.34 STATE SCHOOL FOUNDATION
13 AID FOR A CHARTER SCHOOL.

14 1. Revenue from taxes levied by a school district or bonds
15 issued by a school district shall be used to support the
16 operation or facilities of a pilot charter school overseen by
17 a school district, but locally operated, in the same manner as
18 that revenue may be used by the school district to support its
19 operations and facilities. This section shall not be
20 construed to authorize a school district to levy taxes or to
21 issue bonds for any purpose that is not otherwise authorized
22 under this chapter.

23 2. The authorizing body for a pilot charter school is the
24 fiscal agent for the pilot charter school. A state school aid
25 payment for a pilot charter school shall be paid in accordance
26 with section 257.16 to the fiscal agent, which shall then
27 forward the payment to the pilot charter school.

28 Sec. 25. EMERGENCY RULES. The state board of education
29 may adopt emergency rules under section 17A.4, subsection 2,
30 and section 17A.5, subsection 2, paragraph "b", to implement
31 this Act and the rules shall be effective immediately upon
32 filing unless a later date is specified in the rules. Any
33 rules adopted in accordance with this section shall also be
34 published as a notice of intended action as provided in
35 section 17A.4.

EXPLANATION

1

2 This bill directs the state board of education to initiate
3 a pilot program to test the effectiveness of charter schools.
4 The bill sets up provisions by which charter schools may be
5 established and sets forth the purposes for which the schools
6 shall be established.

7 SPONSORSHIP: A governmental body is seeking to sponsor or
8 receiving authorization to sponsor a charter school.

9 OPERATION OF CHARTER SCHOOL: The school shall be organized
10 and operated as a nonprofit association, nonprofit
11 corporation, partnership, limited partnership, business
12 corporation, or as any other group of individuals however
13 organized under state law. Before a sponsor may organize and
14 operate a school, the sponsor must file an affidavit with the
15 state board stating its intent to organize a charter school
16 and receive state board approval.

17 CONVERSION OF EXISTING SCHOOLS: The board of directors of
18 a school district may convert one of its existing schools to a
19 charter school if 60 percent of the teachers at the school
20 sign a petition seeking conversion.

21 CONTRACT: The sponsor's authorization for a charter school
22 shall be in the form of a written contract signed by the
23 sponsor and the board of directors of the charter school. The
24 bill sets forth the items a contract must contain.

25 PUBLIC SCHOOL STATUS: A charter school is a public school
26 and is part of the state's system of public education but,
27 except as provided in the bill, is exempt from all statutes
28 and rules applicable to a school or a school district,
29 although it may elect to comply with one or more provisions of
30 statutes or rules. A charter school shall meet and abide by
31 all applicable state and local health and safety requirements,
32 length of school year Code provisions, civil and human rights
33 laws, and laws relating to suspension and expulsion of a
34 student, and is subject to an annual financial audit. A
35 charter school must be nonsectarian in its programs, admission

1 policies, employment practices, and all other operations.

2 TUITION-FREE: A charter school shall not charge tuition.

3 ADMISSION REQUIREMENTS: A charter school may limit

4 admission to students within an age group or grade level, and

5 to individuals eligible to participate in an alternative

6 options education program for dropouts or potential dropouts.

7 INSTRUCTIONAL STAFF: A charter school shall employ or

8 contract with necessary teachers who hold a valid license

9 issued by the board of educational examiners, though the

10 administrator of the school need not be licensed by the board.

11 The school may employ necessary employees who are not required

12 to hold teaching licenses to perform duties other than

13 teaching and may contract for other services. The school may

14 discipline and discharge teachers and nonlicensed employees in

15 accordance with its own procedures.

16 STUDENTS WITH SPECIAL EDUCATION NEEDS: The education of

17 students requiring special education shall be the financial

18 responsibility of the school district of residence. However,

19 a charter school must accept students requiring special

20 education.

21 REPORTS: A charter school must report at least annually to

22 its sponsor and the state board of education and the reports

23 are public records.

24 TRANSPORTATION: By July 1 of each year, a charter school

25 shall notify the district in which the school is located and

26 the department if it will provide transportation for students

27 enrolled at the school for the fiscal year. The state shall

28 pay transportation aid to the charter school as if it were a

29 regular public school, and shall reimburse charter school

30 parents and school districts for transportation costs in the

31 same manner as parents and school districts are reimbursed for

32 transportation costs. However, a parent may be reimbursed by

33 the charter school for costs of transportation from the

34 student's residence to the border of the district in which the

35 charter school is located if the student is from a family

1 whose income is at or below the poverty level.

2 LEASED SPACE: A charter school may lease space from a
3 school district or public or private nonprofit, nonsectarian
4 organization. If the school is unable to lease appropriate
5 space from public or private nonsectarian organizations, the
6 school may lease space from a sectarian organization if the
7 leased space is constructed as a school facility and the
8 department, in consultation with the department of management,
9 approves the lease.

10 INITIAL COSTS: A sponsor may authorize a charter school
11 before it has secured its space, equipment, facilities, and
12 personnel to raise working capital if necessary.

13 LEAVE TO TEACH IN A CHARTER SCHOOL: If a teacher employed
14 by a school district makes a written request for an extended
15 leave of absence to teach at a charter school, the school
16 district shall grant the leave for not more than five years.

17 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM: Teachers in a
18 charter school shall be public school teachers for the
19 purposes of retirement system benefits under Code chapter 97B.
20 During a leave, the teacher shall retain the teacher's
21 seniority position and continue to receive benefits received
22 as an employee of the district, and may continue to aggregate
23 benefits and credits in the Iowa public employees' retirement
24 system. The Iowa public employees' retirement system may
25 impose reasonable requirements to efficiently administer this
26 provision.

27 CAUSES FOR NONRENEWAL OR TERMINATION: The bill provides
28 the conditions under which a contract may not be renewed or
29 may be terminated. The sponsor must provide adequate notice
30 stating the grounds for the proposed action in reasonable
31 detail. The charter school's board of directors may request
32 within 14 days of receiving notice of nonrenewal or
33 termination of the contract an informal hearing before the
34 sponsor. A contract may be terminated or denied renewal for
35 failure to meet the requirements for student performance

1 contained in the contract, failure to meet generally accepted
2 standards of fiscal management, or for violations of law or
3 other good cause shown.

4 OPEN ENROLLMENT OPTION UNDER DISSOLUTION: If a charter
5 school is dissolved, a student who attended the school,
6 siblings of the student, or another student who resides in the
7 same place as the student may enroll in the resident district
8 or may submit an open enrollment application to a nonresident
9 district and the open enrollment application and notice
10 deadlines do not apply.

11 GENERAL AUTHORITY: The board of directors of a charter
12 school may sue and be sued but cannot levy taxes or issue
13 bonds.

14 STATE SCHOOL FOUNDATION AID: A charter school shall be
15 considered a school district for purposes of receiving state
16 school foundation aid, non-English speaking weighting,
17 technology, early intervention, and phase III moneys.

18 OTHER AID, GRANTS, AND REVENUE: A charter school is
19 eligible to receive other state or federal educational aid,
20 grants, and revenue, and gifts and grants from private sources
21 as though it were a school district. Federal aid received by
22 the state must be paid to a charter school, if it qualifies
23 for the aid, as though it were a school district.

24 USE OF STATE MONEYS TO PURCHASE LAND OR BUILDINGS: Money
25 received from the state shall not be used to purchase land or
26 buildings. The school may own land and buildings if obtained
27 through nonstate sources.

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UNFILED

FILED MAR 5 '01

SENATE FILE 348
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1086)

Passed Senate, Date ^(P. 856) 3/27/01 Passed House, Date ^(P. 991) 3-26-02
Vote: Ayes 33 Nays 16 Vote: Ayes 62 Nays 35

Approved April 23, 2002

^(P. 1088) ~~Re-passed~~ 4/9/02
Vote 35-12

A BILL FOR

1 An Act relating to the establishment of Iowa charter schools.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 348

PILOT CHARTER SCHOOL PROGRAM

Section 1. NEW SECTION. 256F.1 PURPOSE.

The purpose of this chapter is to accomplish the following:

1. Improve student learning.
2. Increase learning opportunities for pupils.
3. Encourage the use of different and innovative methods of teaching.
4. Require the measurement of learning outcomes and create different and innovative forms of measuring outcomes.
5. Establish new forms of accountability for schools.
6. Create new professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.

1. "Attendance center" means a public school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students. An attendance center shall not enter into a charter school contract with a school district under this division unless the attendance center is located within the school district.

2. "Department" means the department of education, for purposes of this chapter.

3. "Pilot charter school" means a state public charter school operated as a pilot program.

4. "School board" means a board of directors regularly elected by the registered voters of a school district.

5. "Sponsor" means a school board, area education agency, accredited private postsecondary institution, community college, or institution of higher learning under the control of the state board of regents authorized to sponsor one or more charter schools.

6. "State board" means the state board of education, for purposes of this chapter.

Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM.

1. Commencing with the school year beginning July 1, 2001,

1 the state board of education shall initiate a pilot program to
2 test the effectiveness of charter schools. To receive
3 approval to establish a pilot charter school, the sponsor
4 shall submit an application to the state board in accordance
5 with section 256F.6. The state board shall approve only those
6 applications that meet the requirements specified in section
7 256F.5. The state board shall adopt rules in accordance with
8 chapter 17A for the implementation of this chapter.

9 2. A school board may, by majority vote, submit the
10 question of whether to operate the entire school district as a
11 state public charter school to the registered voters of the
12 school district at any regular school election or at a special
13 election called specifically for this purpose. The school
14 board shall submit an application to the state board for
15 approval of the state public charter school as a pilot program
16 only if a majority of the registered voters voting in an
17 election called pursuant to this subsection vote in favor of
18 the question. Notwithstanding any provision to the contrary,
19 the school board of a charter school district shall be the
20 board regularly elected as provided in chapter 277. The
21 school board shall continue to be governed by the provisions
22 of chapter 277, and shall have the powers and duties of the
23 board of directors of a school district, except as provided in
24 this chapter.

25 3. If federal rules or regulations are adopted relating to
26 the distribution or utilization of funds allocated to the
27 state department of education pursuant to this section which
28 are inconsistent with the provisions of this section, the
29 state department of education shall adopt rules to comply with
30 the requirements of the federal rules or regulations.

31 4. The board of directors of a school district may convert
32 one of its existing schools to a charter school under this
33 chapter if sixty percent of the full-time teachers at the
34 school sign a petition seeking conversion. The conversion
35 must occur at the beginning of an academic year.

1 5. A pilot charter school shall be organized and
2 administered under the direction of a board of directors.

3 6. The sponsor shall adopt a resolution establishing the
4 method of board selection, length of term, and number of
5 members of the board of directors of each pilot charter
6 school. The person who applies to the authorizing body under
7 section 256F.6, subsection 1, shall hold an election for
8 members of the pilot charter school's board of directors in a
9 timely manner after the school is operating. Staff members
10 employed by the pilot charter school, including teachers
11 providing instruction under a contract with a teaching
12 cooperative and all parents or guardians of children enrolled
13 in the school, shall be given the opportunity to participate
14 in the election. A provisional board may operate before the
15 election of the school's board of directors. Meetings of the
16 board of directors of a pilot charter school are subject to
17 the provisions of chapters 21 and 22.

18 7. The board of directors for the pilot charter school
19 shall adopt bylaws and shall organize the pilot charter school
20 as a nonprofit association, nonprofit corporation, or business
21 corporation.

22 Sec. 4. NEW SECTION. 256F.4 ORGANIZATION OF SCHOOL.

23 1. A school board, area education agency, accredited
24 private postsecondary institution, community college, or
25 institution of higher learning under the control of the state
26 board of regents may sponsor one or more charter schools as
27 provided in this section.

28 2. A sponsor may authorize one or more teachers, licensed
29 under chapter 272, to operate a charter school subject to the
30 approval of the state board. If one or more teachers applies
31 to a school board for sponsorship and the school board elects
32 not to sponsor a charter school, the applicant may appeal the
33 school board's decision to the state board if two members of
34 the local school board voted to sponsor the school. If the
35 state board authorizes the school, the state board shall

1 sponsor the school according to this section.

2 3. Before a sponsor may organize and operate a school, the
3 sponsor must file an affidavit with the state board stating
4 its intent to authorize a charter school. The affidavit shall
5 state the terms and conditions under which the sponsor pledges
6 to authorize a charter school. The state board shall approve
7 or disapprove a sponsor's proposed authorization within sixty
8 days of receipt of an affidavit.

9 4. The granting or renewal of a charter school by a
10 sponsoring entity shall not be conditioned upon the bargaining
11 unit status of the employees of the school.

12 Sec. 5. NEW SECTION. 256F.5 GENERAL OPERATING
13 REQUIREMENTS.

14 1. A pilot charter school is a public school and is part
15 of the state's system of public education. Although a pilot
16 charter school may elect to comply with one or more provisions
17 of statute or administrative rule, a pilot charter school is
18 exempt from all statutes and rules applicable to a school, a
19 school board, or a district, except the pilot charter school
20 shall do the following:

21 a. Meet all applicable federal, state, and local health
22 and safety requirements and laws prohibiting discrimination on
23 the basis of race, creed, color, sex, national origin,
24 religion, ancestry, or disability. A charter school shall be
25 subject to any court-ordered desegregation plan in effect for
26 the school district at the time the school's charter
27 application is approved.

28 b. Operate as a nonsectarian, nonreligious public school.

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

32 d. Be subject to and shall comply with chapters 216 and
33 216A relating to civil and human rights.

34 e. Be considered a school district for purposes of tort
35 liability under chapter 670.

1 f. Receive state moneys or be eligible to receive state
2 moneys as provided in chapters 256D, 256E, 257, 285, and 294A,
3 as if it did not operate under a charter. A pilot charter
4 school district may levy taxes and issue bonds as provided in
5 chapters 73A, 75, 76, 257, 279, 295, 296, and 298, as if it
6 did not operate under a charter. The enrollment of the pilot
7 charter school shall be included in the actual enrollment of
8 the school district in which the pilot charter school is
9 located except as provided in paragraph "g". A pilot charter
10 school district shall be liable for timely payment on its
11 bonded indebtedness and subject to the same bonded
12 indebtedness limitations as if it did not operate under a
13 charter.

14 g. Operate within the same geographic district boundaries
15 that existed prior to its becoming a pilot charter school or
16 district. The enrollment of the pilot charter school or
17 district shall be calculated and submitted as provided in
18 chapter 257 as if it did not operate under a charter.

19 h. Provide special education services in accordance with
20 chapter 256B. However, the school district of residence shall
21 be responsible for the difference between the state moneys
22 received pursuant to the weighting plan under section 256B.9,
23 and the pilot charter school's extraordinary costs of
24 instruction of children requiring special education.

25 i. Be subject to the same financial audits, audit
26 procedures, and audit requirements as a school district. The
27 audit shall be consistent with the requirements of sections
28 11.6, 11.14, 11.19, 256.9, subsection 19, and section 279.29,
29 except to the extent deviations are necessary because of the
30 program at the school. The department, the auditor of state,
31 or the legislative fiscal bureau may conduct financial,
32 program, or compliance audits.

33 2. A pilot charter school shall not discriminate in its
34 student admissions policies or practices on the basis of
35 intellectual or athletic ability, measures of achievement or

1 aptitude, status as a person with a disability, or any other
2 basis that would be illegal if practiced by a school district.
3 However, a pilot charter school may limit admission to
4 students who are within a particular range of age or grade
5 level or on any other basis that would be legal if initiated
6 by a school district. Enrollment priority shall be given to
7 the siblings of students enrolled in a pilot charter school.

8 3. A pilot charter school shall enroll an eligible student
9 who submits a timely application, unless the number of
10 applications exceeds the capacity of a program, class, grade
11 level, or building. In this case, students must be accepted
12 by lot. A pilot charter school shall be subject to section
13 282.18 as if it did not operate under a charter, except as
14 provided in this chapter.

15 4. A pilot charter school shall provide instruction for at
16 least the number of days required by section 279.10,
17 subsection 1, or shall provide at least the equivalent number
18 of total hours.

19 5. Notwithstanding subsection 1, a pilot charter school
20 shall meet the requirements of section 256.7, subsection 21.

21 Sec. 6. NEW SECTION. 256F.6 APPLICATION -- DEFINITION.

22 1. An application for the approval of a pilot charter
23 school shall include, but shall not be limited to, a
24 description of the following:

- 25 a. The method for admission to a pilot charter school.
- 26 b. The mission, purpose, innovation, and specialized focus
27 of the pilot charter school.
- 28 c. Performance goals and objectives in addition to those
29 required under section 256.7, subsection 21, by which the
30 school's student achievement shall be judged, the measures to
31 be used to assess progress, and the current baseline status
32 with respect to the goals.
- 33 d. Procedures for teacher evaluation and professional
34 development for teachers and administrators.
- 35 e. The pilot charter school governance and bylaws.

- 1 f. The financial plan for the operation of the school.
2 g. The educational program, instructional methodology, and
3 services to be offered to students.
4 h. The number and qualifications of teachers and
5 administrators to be employed.
6 i. The organization of the school in terms of ages of
7 students or grades to be taught along with an estimate of the
8 total enrollment of the school.
9 j. The provision of school facilities and public
10 transportation.
11 k. A statement indicating how the pilot charter school
12 will meet the requirements of section 256F.5, subsection 1,
13 paragraph "a", and section 256F.5, subsection 3.
14 1. Assurance of the assumption of liability by the pilot
15 charter school.
16 m. The types and amounts of insurance coverage to be
17 obtained by the pilot charter school.
18 n. A plan of operation to be implemented if the state
19 public charter school revokes or fails to renew its contract.
20 2. If an attendance center located within a district
21 submits an application to a school district, the board of
22 directors of the school district shall notify the applicant of
23 its decision to deny or approve the application within ninety
24 days of receiving the application. If the school board denies
25 the application, or fails to notify the applicant of its
26 decision in a timely manner, the applicant may apply to the
27 state board. If the state board approves the application, the
28 state board shall notify the board of directors of the school
29 district in which the attendance center is located, and the
30 school board shall become the sponsor for the pilot charter
31 school, shall issue a contract with the pilot charter school,
32 and shall otherwise comply with the provisions of the chapter.
33 The decision of the state board is final.
34 Sec. 7. NEW SECTION. 256F.7 CONTRACT.
35 1. An approved pilot charter school application shall

1 constitute an agreement, the terms of which shall be the terms
2 of a four-year renewable contract between the sponsor and the
3 state board. The contract shall reflect all agreements
4 regarding the operation of the pilot charter school. The
5 terms of the contract may be revised at any time with the
6 approval of both the state board and the sponsor, whether or
7 not the stated provisions of the contract are being fulfilled.

8 2. The state board of education shall provide by rule for
9 the ongoing review of a sponsor's compliance with a contract
10 entered into in accordance with this chapter.

11 Sec. 8. NEW SECTION. 256F.8 EMPLOYMENT AND RELATED
12 MATTERS.

13 1. A charter school shall employ or contract with
14 necessary teachers, as defined in section 272.1, who hold a
15 valid license with an endorsement for the type of service for
16 which the teacher is employed. The school may employ
17 necessary employees who are not required to hold teaching
18 licenses to perform duties other than teaching and may
19 contract for other services. The board of directors of the
20 charter school may discharge teachers and nonlicensed
21 employees.

22 2. The board of directors of the charter school also shall
23 decide matters related to the operation of the school,
24 including budgeting, curriculum, and operating procedures.

25 3. Employees of the board of directors of a charter school
26 may, if otherwise eligible, organize under chapter 20 and
27 comply with the provisions of chapter 20 as if the board of
28 directors did not operate under a charter. The board of
29 directors of a charter school is a public employer, for the
30 purposes of chapter 20, upon formation of one or more
31 bargaining units at the school. Bargaining units at the
32 school shall be separate from any other units within the
33 sponsoring district, except that bargaining units may remain
34 part of the appropriate unit within the sponsoring district if
35 the employees of the school, the board of directors of the

1 school, the exclusive representative of the appropriate unit
2 in the sponsoring district, and the school board of the
3 sponsoring district agree to include the employees in the
4 appropriate unit of the sponsoring district.

5 4. Teachers in a charter school shall be public school
6 teachers for the purposes of retirement under chapter 97B.

7 5. Each school district shall be required to grant a leave
8 of absence to any teacher in the school district requesting
9 such leave in order to teach in a pilot charter school. A
10 teacher may request a leave of absence for up to two years.
11 While on leave, the teacher shall retain the teacher's
12 seniority. At the end of the second year, the teacher may
13 either return to the teacher's former school district or, if
14 the teacher chooses, may continue teaching at the pilot
15 charter school and resign from the school district position.

16 Sec. 9. NEW SECTION. 256F.9 PROCEDURES FOR REVOCATION OR
17 NONRENEWAL OF CONTRACT.

18 1. A contract for the establishment of a state public
19 pilot charter school may be revoked by the state board or the
20 sponsor that established the pilot charter school if the
21 appropriate board determines that one or more of the following
22 occurred:

23 a. Failure of the sponsor to abide by and meet the
24 educational goals set forth in the contract.

25 b. Failure of the sponsor to comply with all applicable
26 law.

27 c. Failure of the sponsor to meet generally accepted
28 public sector accounting principles.

29 d. The existence of one or more other grounds for
30 revocation as specified in the contract.

31 2. The decision by a sponsor to revoke or to fail to take
32 action to renew a pilot charter school contract is subject to
33 appeal under section 290.1. A sponsor considering revocation
34 or nonrenewal of a charter school contract shall notify the
35 school district in which the charter school is located, the

1 parents or legal guardians of the students enrolled in the
2 charter school, and the teachers employed by the charter
3 school, sixty days prior to revoking or the date by which the
4 contract must be renewed, but not later than the last day of
5 classes in the school year.

6 3. If the state board determines that a charter school
7 board is in substantial violation of the terms of the
8 contract, the state board shall assume temporary oversight
9 authority, operational authority, or both oversight and
10 operational authority, and notify the charter school board of
11 its intention to revoke the contract at least sixty days prior
12 to revoking a contract. The notice shall state the grounds
13 for the proposed action in writing and in reasonable detail.
14 The sponsor or charter school board may request in writing an
15 informal hearing before the state board within fourteen days
16 of receiving notice of revocation of the contract. Upon
17 receiving a timely written request for a hearing, the state
18 board shall give reasonable notice to the sponsor of the
19 hearing date. The state board shall conduct an informal
20 hearing before taking final action. The state board shall
21 take final action to revoke or approve continuation of a
22 contract by the last day of classes in the school year. If
23 the final action to revoke a contract under this section
24 occurs prior to the last day of classes in the school year, a
25 pilot charter school student may enroll in the resident
26 district or another district as provided in section 256F.10,
27 subsection 2.

28 4. The decision of the state board to revoke a contract
29 under this section is solely within the discretion of the
30 state board and is final.

31 5. A sponsor revoking a contract or a sponsor that fails
32 to renew a contract under this chapter is not liable for that
33 action to the pilot charter school, a student enrolled in the
34 pilot charter school or the student's parent or guardian, or
35 any other person.

1 Sec. 10. NEW SECTION. 256F.10 PROCEDURES AFTER
2 REVOCATION -- STUDENT ENROLLMENT.

3 1. If the contract for a pilot charter school district is
4 revoked in accordance with section 256F.9, the state board
5 shall merge the territory of the charter school district with
6 one or more contiguous school districts at the end of the
7 charter school year. Division of assets and liabilities of
8 the charter school district shall be as provided in sections
9 275.29 through 275.31. Until the merger is completed, and
10 subject to a decision by the state board of education, the
11 pilot charter school district shall pay tuition for its
12 resident students to an accredited school district under
13 section 282.24. However, in lieu of merger and payment of
14 tuition by a pilot charter school district, the state board
15 may place the district under receivership for the remainder of
16 the school year or until the district meets the accreditation
17 requirements of section 256.11 or the terms of the contract
18 entered into pursuant to section 256F.7. The receivership
19 shall be under the direct supervision and authority of the
20 director of the department of education. The decision of
21 whether to merge the school district and require payment of
22 tuition for the charter school district's students or to place
23 the district under receivership shall be based upon a
24 determination by the state board of the best interests of the
25 students, parents, residents of the community, teachers,
26 administrators, and board members of the district and the
27 recommendations of the director of the department of
28 education. If the state board revokes a contract, the
29 revocation shall take effect on the date established by the
30 resolution of the state board, which shall be no later than
31 the end of the school year in which the contract is revoked.

32 2. If a pilot charter school contract is revoked in
33 accordance with this chapter, a student who attended the
34 school, siblings of the student, or another student who
35 resides in the same place as the student may enroll in the

1 resident district or may submit an application to a
2 nonresident district according to section 282.18 at any time.
3 Applications and notices required by section 282.18 shall be
4 processed and provided in a prompt manner. The application
5 and notice deadlines in section 282.18 do not apply under
6 these circumstances.

7 Sec. 11. NEW SECTION. 256F.11 TRANSPORTATION.

8 1. By July 1 of each year, a charter school shall notify
9 the district in which the school is located and the department
10 if it will provide transportation for students enrolled at the
11 school for the fiscal year.

12 2. If a charter school elects to provide transportation
13 for students, the transportation shall be provided by the
14 charter school within the district in which the charter school
15 is located. The state shall pay transportation aid to the
16 charter school according to section 285.1.

17 3. For students who reside outside the district in which
18 the charter school is located, the charter school is not
19 required to provide or pay for transportation between the
20 student's residence and the border of the district in which
21 the charter school is located. A parent may be reimbursed by
22 the charter school for costs of transportation from the
23 student's residence to the border of the district in which the
24 charter school is located if the student is from a family
25 whose income is at or below the poverty level, as defined by
26 the most recently revised poverty income guidelines published
27 by the United States department of health and human services.
28 The reimbursement shall be in the manner provided in section
29 285.3 for parental reimbursement for nonpublic school student
30 transportation.

31 4. At the time a student enrolls in a charter school, the
32 charter school shall provide the parent or guardian with
33 information regarding transportation.

34 5. If a charter school does not elect to provide
35 transportation, transportation for students enrolled at the

1 school shall be provided by the district in which the school
2 is located, in the manner provided in section 285.1,
3 subsection 15, for a student residing in the same district in
4 which a nonpublic school designated for attendance is located.
5 Transportation may be provided by the district in which the
6 charter school is located for a student residing in a
7 different district, in the same manner provided for in section
8 285.1, subsection 16, for students whose nonpublic school
9 designated for attendance is located outside the boundary line
10 of the school district of the student's residence.

11 Sec. 12. NEW SECTION. 256F.12 LEASED SPACE.

12 A charter school may lease space from a school board
13 eligible to be a sponsor or other public or private nonprofit,
14 nonsectarian organization. If a charter school is unable to
15 lease appropriate space from an eligible school board or other
16 public or private nonprofit, nonsectarian organization, the
17 school may lease space from another nonsectarian organization
18 if the department, in consultation with the department of
19 management, approves the lease. If the school is unable to
20 lease appropriate space from public or private nonsectarian
21 organizations, the school may lease space from a sectarian
22 organization if the leased space is constructed as a school
23 facility and the department, in consultation with the
24 department of management, approves the lease.

25 Sec. 13. NEW SECTION. 256F.13 GENERAL AUTHORITY.

26 The board of directors of a charter school may sue and be
27 sued.

28 Sec. 14. NEW SECTION. 256F.14 IMMUNITY.

29 The board of directors of the charter school shall obtain
30 at least the amount of and types of insurance required by the
31 contract, according to section 256F.7.

32 Sec. 15. NEW SECTION. 256F.15 INITIAL COSTS.

33 A sponsor may authorize a charter school before the
34 applicant has secured its space, equipment, facilities, and
35 personnel if the applicant indicates the authority is

1 necessary for it to raise working capital. A sponsor shall
2 not authorize a school before the state board has approved the
3 authorization.

4 Sec. 16. NEW SECTION. 256F.16 STATE SCHOOL FOUNDATION
5 AID FOR A CHARTER SCHOOL.

6 1. A student enrolled in a charter school shall be
7 counted, for state school foundation aid purposes, in the
8 student's district of residence. A student's residence, for
9 purposes of this section, shall be as established under
10 section 282.1. The board of directors of the district of
11 residence shall pay to the charter school, on a timely basis,
12 the district cost per pupil, or the charter school's cost per
13 pupil as determined by the department based upon information
14 supplied by the charter school, whichever is lowest, plus any
15 moneys received for the student as a result of non-English-
16 speaking weighting under section 280.4, subsection 3, for each
17 school year. The district of residence shall also transmit
18 the phase III moneys allocated to the district for the full-
19 time equivalent attendance of the student to the charter
20 school.

21 2. If a parent or guardian of a child enrolled in a
22 charter school under this chapter moves to a different school
23 district during the course of either district's academic year,
24 the child's first district of residence shall be responsible
25 for payment of the cost per pupil plus weightings or special
26 education costs to the charter school for the balance of the
27 school year in which the move took place. The new district of
28 residence shall be responsible for the payments during the
29 succeeding years.

30 Sec. 17. NEW SECTION. 256F.17 AUTHORIZED EXPENDITURES.

31 A charter school is a public school for purposes of section
32 257.7.

33 Sec. 18. NEW SECTION. 256F.18 EXEMPTION FROM TAXATION.

34 A pilot charter school is exempt from all state taxation on
35 its earnings and property. Instruments of conveyance to or

1 from a pilot charter school are exempt from all state
2 taxation. A pilot charter school shall not levy taxes or
3 issue bonds for any purpose. However, the board of directors
4 of a pilot charter school district shall issue bonds or levy
5 taxes as if it did not operate under a charter. The operation
6 of a pilot charter school and oversight of a pilot charter
7 school by a school district shall not affect the ability of
8 the school district to levy taxes in accordance with any
9 applicable statute.

10 Sec. 19. NEW SECTION. 256F.19 OTHER AID -- INTERESTS IN
11 PROPERTY.

12 A pilot charter school may acquire by purchase, gift,
13 devise, lease, sublease, installment purchase agreement, land
14 contract, option, or by any other means, hold and own in its
15 own name buildings and other property for school purposes and
16 other interests, including, but not limited to, interests in
17 property subject to mortgages, security interests, or other
18 liens, necessary or convenient to fulfill its purposes. For
19 the purposes of condemnation, a pilot charter school may
20 proceed under chapter 6B or any other applicable statutes, but
21 only with the express, written permission of the authorizing
22 body in each instance of condemnation and only after just
23 compensation has been determined and paid.

24 Sec. 20. NEW SECTION. 256F.20 DISSEMINATE INFORMATION.

25 The sponsor, the operators, and the department shall
26 disseminate information to the public on how to organize and
27 operate a charter school and how to utilize the offerings of a
28 charter school. Particular groups to be targeted include low-
29 income families and communities and students of color.

30 Sec. 21. NEW SECTION. 256F.21 REPORTS.

31 1. A pilot charter school shall report at least annually
32 to its sponsor and the state board the information required by
33 the sponsor or the state board. The reports are public
34 records subject to chapter 22.

35 2. Notwithstanding section 256F.4, subsection 1, not later

1 than December 1, 2003, and annually thereafter, the state
2 board shall submit a comprehensive report, with findings and
3 recommendations, to the senate and house standing committees
4 on education. The report shall evaluate pilot charter school
5 programs generally, including but not limited to, an
6 evaluation of whether the pilot programs are fulfilling the
7 purposes set forth in section 256F.5, subsection 1. The
8 report also shall contain, for each pilot charter school, a
9 copy of the pilot charter school's mission statement,
10 attendance statistics and dropout rate, aggregate assessment
11 test scores, projections of financial stability, and number of
12 and comments on supervisory visits by the department of
13 education.

14 Sec. 22. EMERGENCY RULES. The state board of education
15 may adopt emergency rules under section 17A.4, subsection 2,
16 and section 17A.5, subsection 2, paragraph "b", to implement
17 this Act and the rules shall be effective immediately upon
18 filing unless a later date is specified in the rules. Any
19 rules adopted in accordance with this section shall also be
20 published as a notice of intended action as provided in
21 section 17A.4.

22 EXPLANATION

23 This bill sets up provisions by which charter schools may
24 be established. The bill also establishes the purposes for
25 which the schools shall be established.

26 SPONSORSHIP. A school board, area education agency,
27 accredited private postsecondary institution, community
28 college, or regents university is authorized to sponsor one or
29 more pilot charter schools upon state board approval of the
30 sponsor's application. The bill lists the information that
31 must be included in the application. A sponsor may authorize
32 one or more teachers to operate a charter school subject to
33 the approval of the state board. If the school board elects
34 not to sponsor a charter school, the applicant may appeal to
35 the state board if two members of the local school board voted

1 to sponsor the school. If the state board authorizes the
2 school, the state board becomes the sponsor.

3 PILOT CHARTER SCHOOLS. The state board of education is
4 directed to initiate a pilot program to test the effectiveness
5 of charter schools. A sponsor must submit an application to
6 establish a pilot charter school to the state board for
7 approval. A provisional board may operate before the election
8 of the school's board of directors. An election for members
9 of the pilot charter school's board of directors must be held
10 in a timely manner after the school is operating. Pilot
11 charter school staff members and parents or guardians of
12 children enrolled in the school shall be given the opportunity
13 to vote. Meetings of the board are subject to the state's
14 open meetings and open records laws.

15 PILOT CHARTER SCHOOL DISTRICT. A school board may, by
16 majority vote, submit the question of whether to operate the
17 entire school district as a state public charter school to the
18 registered voters of the school district. If a majority of
19 the voters approve the proposal, the school board must submit
20 an application to the state board for approval. The school
21 board of a charter school district is the regularly elected
22 school board. A pilot charter school district may levy taxes
23 and issue bonds as if it did not operate under a charter. If
24 the contract for a pilot charter school district is revoked,
25 the state board must merge the territory of the charter school
26 district with one or more contiguous school districts at the
27 end of the charter school year. Until the merger is
28 completed, the pilot charter school district shall pay tuition
29 for its resident students to an accredited school district.
30 However, in lieu of merger and payment of tuition by a pilot
31 charter school district, the state board may place the
32 district under receivership for the remainder of the school
33 year or until the district meets the accreditation
34 requirements.

35 CONVERSION OF EXISTING SCHOOLS. The board of directors of

1 a school district may convert one of its existing schools to a
2 charter school if 60 percent of the teachers at the school
3 sign a petition seeking conversion.

4 COLLECTIVE BARGAINING. The granting or renewal of a
5 charter school by a sponsor shall not be conditioned upon the
6 bargaining unit status of the employees of the school.

7 Employees may organize under Code chapter 20. The board of
8 directors of a charter school is a public employer for the
9 purposes of Code chapter 20.

10 GENERAL OPERATING REQUIREMENTS. A pilot charter school is
11 a public school and is part of the state's system of public
12 education, though it may be organized as a nonprofit
13 association, nonprofit corporation, or business corporation.
14 A pilot charter school may elect to comply with one or more
15 provisions of statute or administrative rule, but is exempt
16 from all statutes and rules applicable to a school, a school
17 board, or a district. However, a charter school shall meet
18 and abide by all applicable state and local health and safety
19 requirements, length of school year Code provisions, civil and
20 human rights laws, and laws relating to suspension and
21 expulsion of a student, and is subject to an annual financial
22 audit. A charter school must be nonsectarian in its programs,
23 admission policies, employment practices, and all other
24 operations. A charter school must also annually submit a
25 comprehensive school improvement plan to the department of
26 education.

27 CONTRACT. An approved pilot charter school application
28 shall constitute an agreement, the terms of which shall be the
29 terms of a four-year renewable contract between the sponsor
30 and the state board.

31 TUITION-FREE. A charter school shall not charge tuition.

32 ADMISSION REQUIREMENTS. A charter school may limit
33 admission to students within an age group or grade level, or
34 on any other basis that would be legal if initiated by a
35 school district. A pilot charter school shall not

1 discriminate in its student admission policies on the basis of
2 intellectual or athletic ability, measures of achievement or
3 aptitude, status as a person with a disability, or any other
4 basis that would be illegal if practiced by a school district.

5 EMPLOYMENT AND RELATED MATTERS. Pilot charter school
6 teachers must be licensed by the board of educational
7 examiners, but the administrator need not be licensed. The
8 board of directors of the pilot charter school decides matters
9 related to the operation of the school, including budgeting,
10 curriculum, and operating procedures. Teachers in a charter
11 school are public school teachers for the purposes of the Iowa
12 public employees' retirement system. Each school district
13 must grant a leave of absence for up to two years to any
14 teacher who requests a leave in order to teach in a pilot
15 charter school. A teacher retains seniority during this time.

16 STUDENTS WITH SPECIAL EDUCATION NEEDS. The education of
17 students requiring special education shall be the financial
18 responsibility of the school district of residence. However,
19 a charter school must accept and provide services to students
20 requiring special education.

21 CAUSES FOR NONRENEWAL OR TERMINATION. The bill provides
22 the conditions under which a contract may not be renewed or
23 may be terminated. A sponsor's decision not to renew or to
24 terminate may be appealed to the state board. The sponsor
25 must provide adequate notice to all interested parties stating
26 the grounds for the proposed action in reasonable detail. A
27 contract may be terminated or denied renewal for failure to
28 meet the requirements for student performance contained in the
29 contract, failure to meet generally accepted standards of
30 fiscal management, or for other violations of law or the
31 contract.

32 If the state board determines that a charter school board
33 is in substantial violation of the terms of the contract, the
34 state board assumes temporary authority. The sponsor can
35 request an informal hearing before the state board. The

1 decision of the state board to revoke a contract under this
2 section is solely within the discretion of the state board and
3 is final. If the final action to revoke a contract occurs
4 prior to the last day of classes in the school year, a pilot
5 charter school student may enroll in the resident district or
6 another district.

7 A sponsor that revokes or fails to renew a contract is not
8 liable for that action to the school, its students or the
9 students' parents, or any other person.

10 OPEN ENROLLMENT OPTION UNDER DISSOLUTION. If a charter
11 school is dissolved, a student who attended the school,
12 siblings of the student, or another student who resides in the
13 same place as the student may enroll in the resident district
14 or may submit an open enrollment application to a nonresident
15 district and the open enrollment application and notice
16 deadlines do not apply.

17 TRANSPORTATION. By July 1 of each year, a charter school
18 shall notify the district in which the school is located and
19 the department if it will provide transportation for students
20 enrolled at the school for the fiscal year. The state shall
21 pay transportation aid to the charter school as if it were a
22 regular public school, and shall reimburse charter school
23 parents and school districts for transportation costs in the
24 same manner as parents and school districts are reimbursed for
25 transportation costs. The charter school is not required to
26 provide or pay for transportation between the student's
27 residence and the border of the district in which the charter
28 school is located. However, a parent may be reimbursed by the
29 charter school for costs of transportation from the student's
30 residence to the border of the district in which the charter
31 school is located if the student is from a family whose income
32 is at or below the poverty level. If a charter school does
33 not provide transportation, it shall be provided by the
34 district.

35 REPORTS. A charter school must report at least annually to

1 its sponsor and the state board of education and the reports
2 are public records. By December 1, 2003, and annually
3 thereafter, the state board must submit a comprehensive report
4 to the senate and house standing committees on education.

5 LEASED SPACE. A charter school may lease space from a
6 school district or public or private nonprofit, nonsectarian
7 organization. If the school is unable to lease appropriate
8 space from public or private nonprofit, nonsectarian
9 organizations, the school may lease space from a sectarian
10 organization if the leased space is constructed as a school
11 facility and the department, in consultation with the
12 department of management, approves the lease.

13 INITIAL COSTS. A sponsor may authorize a charter school
14 before it has secured its space, equipment, facilities, and
15 personnel in order to raise working capital if necessary, but
16 cannot authorize a school before the state board has approved
17 the authorization.

18 GENERAL AUTHORITY. The board of directors of a charter
19 school may sue and be sued, but, except as provided for a
20 pilot charter school district, cannot levy taxes or issue
21 bonds.

22 STATE SCHOOL FOUNDATION AID. A student enrolled in a pilot
23 charter school shall be counted, for state school foundation
24 aid purposes, in the student's district of residence. The
25 district of residence must pay to the charter school state
26 school foundation aid, non-English speaking weighting,
27 technology, early intervention, and phase III moneys generated
28 by the enrollment of the student.

29 OTHER AID, GRANTS, AND REVENUE. A charter school is
30 eligible to receive other state or federal educational aid,
31 grants, and revenue, and gifts and grants from private sources
32 as though it were a school district.

33 EMERGENCY RULES. The bill grants the state board emergency
34 rulemaking authority.

35

S-3181

1 Amend Senate File 348 as follows:

2 1. Page 3, by striking lines 6 and 7 and
3 inserting the following: "school. The sponsor shall
4 provide for an election for".

5 2. Page 3, by inserting after line 27 the
6 following:

7 " . Notwithstanding subsection 1, a sponsor that
8 wishes to operate a charter school within the
9 boundaries of a school district shall apply to that
10 district's school board for approval. If the school
11 board denies the application, the decision of the
12 school board is final and not subject to review by any
13 court or agency. A school board seeking to sponsor a
14 charter school within its own boundaries is exempt
15 from this subsection."

16 3. By striking page 3, line 32 through page 4,
17 line 1 and inserting the following: "not to sponsor a
18 charter school, the decision of the school board is
19 final and not subject to review by any court or
20 agency."

21 4. Page 7, by striking lines 26 through 33 and
22 inserting the following: "decision in a timely
23 manner, the failure to notify shall be deemed a
24 denial, and the decision of the school board to deny
25 approval is final and not subject to review by any
26 court or agency."

27 5. Page 13, by striking lines 19 through 24 and
28 inserting the following: "management, approves the
29 lease."

30 6. Page 15, by striking lines 2 through 5 and
31 inserting the following: "taxation. Except as
32 provided in section 256F.5, subsection 1, paragraph
33 "f", a pilot charter school shall not levy taxes or
34 issue bonds for any purpose. The operation".

By JEFF ANGELO

S-3181 FILED MARCH 14, 2001

o/o

3.27-01 (P. 855)

S-3235

1 Amend Senate File 348 as follows:

2 1. Page 7, line 3, by inserting after the word
3 "students." the following: "If a pilot charter school
4 chooses not to comply with all of the provisions of
5 statute or administrative rule, in accordance with
6 section 256F.5, subsection 1, the pilot charter school

A 7 shall provide a statement indicating the provisions
8 with which the pilot charter school does not comply."

9 2. Page 8, line 7, by inserting after the word
10 "fulfilled." the following: "The pilot charter school
11 shall provide parents and guardians of students

B 12 enrolled in the pilot charter school with a copy of
13 the charter school application approved pursuant to
14 section 256F.6."

By BILL FINK

S-3235 FILED MARCH 26, 2001

A. *lost 3/27/01 (P. 856)*

B. *adopted 3-27-01 (P. 855)*

SENATE FILE 348

S-3237

1 Amend Senate File 348 as follows:

2 1. Page 2, line 7, by inserting after the word
3 "The" the following: "state board shall approve not
4 more than five pilot charter school applications.
5 The".

6 2. Page 3, by striking lines 6 and 7 and
7 inserting the following: "school. The sponsor shall
8 provide for an election for".

9 3. Page 3, by inserting after line 27 the
10 following:

11 "____. Notwithstanding subsection 1, a sponsor that
12 wishes to operate a charter school within the
13 boundaries of a school district shall apply to that
14 district's school board for approval. If the school
15 board denies the application, the decision of the
16 school board is final and not subject to review by any
17 court or agency. A school board seeking to sponsor a
18 charter school within its own boundaries is exempt
19 from this subsection."

20 4. By striking page 3, line 32 through page 4,
21 line 1 and inserting the following: "not to sponsor a
22 charter school, the decision of the school board is
23 final and not subject to review by any court or
24 agency."

25 5. Page 5, line 2, by inserting after the word
26 "chapters" the following: "256B,".

27 6. Page 5, by striking lines 6 through 9 and
28 inserting the following: "did not operate under a
29 charter. A pilot charter".

30 7. Page 7, lines 9 and 10, by striking the words
31 "and public transportation".

32 8. Page 7, by inserting after line 19 the
33 following: "o. The means, costs, and plan for
34 providing transportation for students attending the
35 pilot charter school."

36 9. Page 7, by striking lines 26 through 33 and
37 inserting the following: "decision in a timely
38 manner, the failure to notify shall be deemed a
39 denial, and the decision of the school board to deny
40 approval is final and not subject to review by any
41 court or agency."

42 10. Page 13, by striking lines 19 through 24 and
43 inserting the following: "management, approves the
44 lease."

45 11. Page 14, line 16, by inserting before the
46 word "for" the following: "and any moneys available
47 to the district for each child attending the pilot
48 charter school who requires special education, by
49 application of the special education weighting plan in
50 section 256B.9,".

S-3237

-1-

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Page 2

1 12. Page 15, by striking lines 2 through 5 and
2 inserting the following: "taxation. Except as
3 provided in section 256F.5, subsection 1, paragraph
4 "f", a pilot charter school shall not levy taxes or
5 issue bonds for any purpose. The operation".

By JEFF ANGELO

S-3237 FILED MARCH 26, 2001

W/D

3-27-01

(p.855)

**SENATE FILE 348
FISCAL NOTE**

A fiscal note for **Senate File 348** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 348 establishes a pilot charter school program in the State.

ASSUMPTIONS

1. The Department of Education will require two additional full-time equivalent (FTE) positions at a minimum cost of approximately \$100,000 to support the charter school program. Additional FTE's will be required if the Department of Education becomes a sponsor of a charter school.
2. The Department will not sponsor any charter schools.
3. Additional support expenses are estimated at approximately \$10,000 annually.
4. There will be no increase in enrollment due to the establishment of the charter school program.
5. Charter school districts will levy property taxes within the statutory limit.

FISCAL IMPACT

The estimated cost increase of Senate File 348 in FY 2002, is approximately \$110,000 and 2.0 FTE positions compared to FY 2001.

SOURCE

Department of Education

(LSB 1838SV, SLS)

FILED MARCH 20, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 348

S-3247

1 Amend Senate File 348 as follows:

2 1. Page 2, line 7, by inserting after the word
3 "The" the following: "state board shall approve not
4 more than five pilot charter school applications.
5 The".

6 2. Page 3, by striking lines 6 and 7 and
7 inserting the following: "school. The sponsor shall
8 provide for an election for".

9 3. Page 3, by inserting after line 27 the
10 following:

11 "____. Notwithstanding subsection 1, a sponsor that
12 wishes to operate a charter school within the
13 boundaries of a school district shall apply to that
14 district's school board for approval. If the school
15 board denies the application, the decision of the
16 school board is final and not subject to review by any
17 court or agency. A school board seeking to sponsor a
18 charter school within its own boundaries is exempt
19 from this subsection."

20 4. By striking page 3, line 32 through page 4,
21 line 1 and inserting the following: "not to sponsor a
22 charter school, the decision of the school board is
23 final and not subject to review by any court or
24 agency."

25 5. Page 5, line 2, by inserting after the word
26 "chapters" the following: "256B,".

27 6. Page 5, by striking lines 6 through 9 and
28 inserting the following: "did not operate under a
29 charter. A pilot charter".

30 7. Page 7, lines 9 and 10, by striking the words
31 "and public transportation".

32 8. Page 7, by inserting after line 19 the
33 following: "o. The means, costs, and plan for
34 providing transportation for students attending the
35 pilot charter school."

36 9. Page 7, by striking lines 26 through 33 and
37 inserting the following: "decision in a timely
38 manner, the failure to notify shall be deemed a
39 denial, and the decision of the school board to deny
40 approval is final and not subject to review by any
41 court or agency."

42 10. Page 14, line 16, by inserting before the
43 word "for" the following: "and any moneys available
44 to the district for each child attending the pilot
45 charter school who requires special education, by
46 application of the special education weighting plan in
47 section 256B.9,".

48 11. Page 15, by striking lines 2 through 5 and
49 inserting the following: "taxation. Except as
50 provided in section 256F.5, subsection 1, paragraph

S-3247

S-3247

Page 2

1 "f", a pilot charter school shall not levy taxes or
2 issue bonds for any purpose. The operation".

By JEFF ANGELO**S-3247** FILED MARCH 27, 2001

ADOPTED

(P. 855)

SENATE FILE 348**S-3262**

1 Amend Senate File 348 as follows:

2 1. Page 5, by inserting after line 32 the
3 following:

4 "j. Be subject to and comply with chapter 284
5 relating to the student achievement and teacher
6 quality program. A pilot charter school that complies
7 with chapter 284 shall receive state moneys or be
8 eligible to receive state moneys as provided in
9 chapter 284 as if it did not operate under a charter."

10 2. Page 16, by inserting after line 21, the
11 following:

12 "Sec. ____ . CONDITIONAL EFFECTIVENESS. Section
13 256F.5, subsection 1, paragraph "j", as enacted in
14 this Act, takes effect only if 2001 Iowa Acts, Senate
15 File 476, is enacted."

16 3. Title page, line 1, by inserting after the
17 word "schools" the following: "and providing for a
18 conditional effective date".

19 4. By renumbering as necessary.

By MIKE CONNOLLY**S-3262** FILED MARCH 27, 2001

ADOPTED

(P. 855)

PILOT CHARTER SCHOOL PROGRAM

Section 1. NEW SECTION. 256F.1 PURPOSE.

The purpose of this chapter is to accomplish the following:

1. Improve student learning.
2. Increase learning opportunities for pupils.
3. Encourage the use of different and innovative methods of teaching.
4. Require the measurement of learning outcomes and create different and innovative forms of measuring outcomes.
5. Establish new forms of accountability for schools.
6. Create new professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.

1. "Attendance center" means a public school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students. An attendance center shall not enter into a charter school contract with a school district under this division unless the attendance center is located within the school district.

2. "Department" means the department of education, for purposes of this chapter.

3. "Pilot charter school" means a state public charter school operated as a pilot program.

4. "School board" means a board of directors regularly elected by the registered voters of a school district.

5. "Sponsor" means a school board, area education agency, accredited private postsecondary institution, community college, or institution of higher learning under the control of the state board of regents authorized to sponsor one or more charter schools.

6. "State board" means the state board of education, for purposes of this chapter.

Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM.

1. Commencing with the school year beginning July 1, 2001,

1 the state board of education shall initiate a pilot program to
2 test the effectiveness of charter schools. To receive
3 approval to establish a pilot charter school, the sponsor
4 shall submit an application to the state board in accordance
5 with section 256F.6. The state board shall approve only those
6 applications that meet the requirements specified in section
7 256F.5. The state board shall approve not more than five
8 pilot charter school applications. The state board shall
9 adopt rules in accordance with chapter 17A for the
10 implementation of this chapter.

11 2. A school board may, by majority vote, submit the
12 question of whether to operate the entire school district as a
13 state public charter school to the registered voters of the
14 school district at any regular school election or at a special
15 election called specifically for this purpose. The school
16 board shall submit an application to the state board for
17 approval of the state public charter school as a pilot program
18 only if a majority of the registered voters voting in an
19 election called pursuant to this subsection vote in favor of
20 the question. Notwithstanding any provision to the contrary,
21 the school board of a charter school district shall be the
22 board regularly elected as provided in chapter 277. The
23 school board shall continue to be governed by the provisions
24 of chapter 277, and shall have the powers and duties of the
25 board of directors of a school district, except as provided in
26 this chapter.

27 3. If federal rules or regulations are adopted relating to
28 the distribution or utilization of funds allocated to the
29 state department of education pursuant to this section which
30 are inconsistent with the provisions of this section, the
31 state department of education shall adopt rules to comply with
32 the requirements of the federal rules or regulations.

33 4. The board of directors of a school district may convert
34 one of its existing schools to a charter school under this
35 chapter if sixty percent of the full-time teachers at the

1 school sign a petition seeking conversion. The conversion
2 must occur at the beginning of an academic year.

3 5. A pilot charter school shall be organized and
4 administered under the direction of a board of directors.

5 6. The sponsor shall adopt a resolution establishing the
6 method of board selection, length of term, and number of
7 members of the board of directors of each pilot charter
8 school. The sponsor shall provide for an election for members
9 of the pilot charter school's board of directors in a timely
10 manner after the school is operating. Staff members employed
11 by the pilot charter school, including teachers providing
12 instruction under a contract with a teaching cooperative and
13 all parents or guardians of children enrolled in the school,
14 shall be given the opportunity to participate in the election.
15 A provisional board may operate before the election of the
16 school's board of directors. Meetings of the board of
17 directors of a pilot charter school are subject to the
18 provisions of chapters 21 and 22.

19 7. The board of directors for the pilot charter school
20 shall adopt bylaws and shall organize the pilot charter school
21 as a nonprofit association, nonprofit corporation, or business
22 corporation.

23 Sec. 4. NEW SECTION. 256F.4 ORGANIZATION OF SCHOOL.

24 1. A school board, area education agency, accredited
25 private postsecondary institution, community college, or
26 institution of higher learning under the control of the state
27 board of regents may sponsor one or more charter schools as
28 provided in this section.

29 2. Notwithstanding subsection 1, a sponsor that wishes to
30 operate a charter school within the boundaries of a school
31 district shall apply to that district's school board for
32 approval. If the school board denies the application, the
33 decision of the school board is final and not subject to
34 review by any court or agency. A school board seeking to
35 sponsor a charter school within its own boundaries is exempt

1 from this subsection.

2 3. A sponsor may authorize one or more teachers, licensed
3 under chapter 272, to operate a charter school subject to the
4 approval of the state board. If one or more teachers applies
5 to a school board for sponsorship and the school board elects
6 not to sponsor a charter school, the decision of the school
7 board is final and not subject to review by any court or
8 agency.

9 4. Before a sponsor may organize and operate a school, the
10 sponsor must file an affidavit with the state board stating
11 its intent to authorize a charter school. The affidavit shall
12 state the terms and conditions under which the sponsor pledges
13 to authorize a charter school. The state board shall approve
14 or disapprove a sponsor's proposed authorization within sixty
15 days of receipt of an affidavit.

16 5. The granting or renewal of a charter school by a
17 sponsoring entity shall not be conditioned upon the bargaining
18 unit status of the employees of the school.

19 Sec. 5. NEW SECTION. 256F.5 GENERAL OPERATING
20 REQUIREMENTS.

21 1. A pilot charter school is a public school and is part
22 of the state's system of public education. Although a pilot
23 charter school may elect to comply with one or more provisions
24 of statute or administrative rule, a pilot charter school is
25 exempt from all statutes and rules applicable to a school, a
26 school board, or a district, except the pilot charter school
27 shall do the following:

28 a. Meet all applicable federal, state, and local health
29 and safety requirements and laws prohibiting discrimination on
30 the basis of race, creed, color, sex, national origin,
31 religion, ancestry, or disability. A charter school shall be
32 subject to any court-ordered desegregation plan in effect for
33 the school district at the time the school's charter
34 application is approved.

35 b. Operate as a nonsectarian, nonreligious public school.

- 1 c. Be free of tuition and application fees to Iowa
2 resident students between the ages of five and twenty-one
3 years.
- 4 d. Be subject to and shall comply with chapters 216 and
5 216A relating to civil and human rights.
- 6 e. Be considered a school district for purposes of tort
7 liability under chapter 670.
- 8 f. Receive state moneys or be eligible to receive state
9 moneys as provided in chapters 256B, 256D, 256E, 257, 285, and
10 294A, as if it did not operate under a charter. A pilot
11 charter school district may levy taxes and issue bonds as
12 provided in chapters 73A, 75, 76, 257, 279, 295, 296, and 298,
13 as if it did not operate under a charter. A pilot charter
14 school district shall be liable for timely payment on its
15 bonded indebtedness and subject to the same bonded
16 indebtedness limitations as if it did not operate under a
17 charter.
- 18 g. Operate within the same geographic district boundaries
19 that existed prior to its becoming a pilot charter school or
20 district. The enrollment of the pilot charter school or
21 district shall be calculated and submitted as provided in
22 chapter 257 as if it did not operate under a charter.
- 23 h. Provide special education services in accordance with
24 chapter 256B. However, the school district of residence shall
25 be responsible for the difference between the state moneys
26 received pursuant to the weighting plan under section 256B.9,
27 and the pilot charter school's extraordinary costs of
28 instruction of children requiring special education.
- 29 i. Be subject to the same financial audits, audit
30 procedures, and audit requirements as a school district. The
31 audit shall be consistent with the requirements of sections
32 11.6, 11.14, 11.19, 256.9, subsection 19, and section 279.29,
33 except to the extent deviations are necessary because of the
34 program at the school. The department, the auditor of state,
35 or the legislative fiscal bureau may conduct financial,

1 program, or compliance audits.

2 j. Be subject to and comply with chapter 284 relating to
3 the student achievement and teacher quality program. A pilot
4 charter school that complies with chapter 284 shall receive
5 state moneys or be eligible to receive state moneys as
6 provided in chapter 284 as if it did not operate under a
7 charter.

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

18 3. A pilot charter school shall enroll an eligible student
19 who submits a timely application, unless the number of
20 applications exceeds the capacity of a program, class, grade
21 level, or building. In this case, students must be accepted
22 by lot. A pilot charter school shall be subject to section
23 282.18 as if it did not operate under a charter, except as
24 provided in this chapter.

25 4. A pilot charter school shall provide instruction for at
26 least the number of days required by section 279.10,
27 subsection 1, or shall provide at least the equivalent number
28 of total hours.

29 5. Notwithstanding subsection 1, a pilot charter school
30 shall meet the requirements of section 256.7, subsection 21.

31 Sec. 6. NEW SECTION. 256F.6 APPLICATION -- DEFINITION.

32 1. An application for the approval of a pilot charter
33 school shall include, but shall not be limited to, a
34 description of the following:

35 a. The method for admission to a pilot charter school.

1 b. The mission, purpose, innovation, and specialized focus
2 of the pilot charter school.

3 c. Performance goals and objectives in addition to those
4 required under section 256.7, subsection 21, by which the
5 school's student achievement shall be judged, the measures to
6 be used to assess progress, and the current baseline status
7 with respect to the goals.

8 d. Procedures for teacher evaluation and professional
9 development for teachers and administrators.

10 e. The pilot charter school governance and bylaws.

11 f. The financial plan for the operation of the school.

12 g. The educational program, instructional methodology, and
13 services to be offered to students.

14 h. The number and qualifications of teachers and
15 administrators to be employed.

16 i. The organization of the school in terms of ages of
17 students or grades to be taught along with an estimate of the
18 total enrollment of the school.

*19 j. The provision of school facilities.

20 k. A statement indicating how the pilot charter school
21 will meet the requirements of section 256F.5, subsection 1,
22 paragraph "a", and section 256F.5, subsection 3.

23 l. Assurance of the assumption of liability by the pilot
24 charter school.

25 m. The types and amounts of insurance coverage to be
26 obtained by the pilot charter school.

27 n. A plan of operation to be implemented if the state
28 public charter school revokes or fails to renew its contract.

29 o. The means, costs, and plan for providing transportation
30 for students attending the pilot charter school.

31 2. If an attendance center located within a district
32 submits an application to a school district, the board of
33 directors of the school district shall notify the applicant of
34 its decision to deny or approve the application within ninety
35 days of receiving the application. If the school board denies

1 the application, or fails to notify the applicant of its
2 decision in a timely manner, the failure to notify shall be
3 deemed a denial, and the decision of the school board to deny
4 approval is final and not subject to review by any court or
5 agency.

6 Sec. 7. NEW SECTION. 256F.7 CONTRACT.

7 1. An approved pilot charter school application shall
8 constitute an agreement, the terms of which shall be the terms
9 of a four-year renewable contract between the sponsor and the
10 state board. The contract shall reflect all agreements
11 regarding the operation of the pilot charter school. The
12 terms of the contract may be revised at any time with the
13 approval of both the state board and the sponsor, whether or
14 not the stated provisions of the contract are being fulfilled.
15 The pilot charter school shall provide parents and guardians
16 of students enrolled in the pilot charter school with a copy
17 of the charter school application approved pursuant to section
18 256F.6.

19 2. The state board of education shall provide by rule for
20 the ongoing review of a sponsor's compliance with a contract
21 entered into in accordance with this chapter.

22 Sec. 8. NEW SECTION. 256F.8 EMPLOYMENT AND RELATED
23 MATTERS.

24 1. A charter school shall employ or contract with
25 necessary teachers, as defined in section 272.1, who hold a
26 valid license with an endorsement for the type of service for
27 which the teacher is employed. The school may employ
28 necessary employees who are not required to hold teaching
29 licenses to perform duties other than teaching and may
30 contract for other services. The board of directors of the
31 charter school may discharge teachers and nonlicensed
32 employees.

33 2. The board of directors of the charter school also shall
34 decide matters related to the operation of the school,
35 including budgeting, curriculum, and operating procedures.

1 3. Employees of the board of directors of a charter school
2 may, if otherwise eligible, organize under chapter 20 and
3 comply with the provisions of chapter 20 as if the board of
4 directors did not operate under a charter. The board of
5 directors of a charter school is a public employer, for the
6 purposes of chapter 20, upon formation of one or more
7 bargaining units at the school. Bargaining units at the
8 school shall be separate from any other units within the
9 sponsoring district, except that bargaining units may remain
10 part of the appropriate unit within the sponsoring district if
11 the employees of the school, the board of directors of the
12 school, the exclusive representative of the appropriate unit
13 in the sponsoring district, and the school board of the
14 sponsoring district agree to include the employees in the
15 appropriate unit of the sponsoring district.

16 4. Teachers in a charter school shall be public school
17 teachers for the purposes of retirement under chapter 97B.

18 5. Each school district shall be required to grant a leave
19 of absence to any teacher in the school district requesting
20 such leave in order to teach in a pilot charter school. A
21 teacher may request a leave of absence for up to two years.
22 While on leave, the teacher shall retain the teacher's
23 seniority. At the end of the second year, the teacher may
24 either return to the teacher's former school district or, if
25 the teacher chooses, may continue teaching at the pilot
26 charter school and resign from the school district position.

27 Sec. 9. NEW SECTION. 256F.9 PROCEDURES FOR REVOCATION OR
28 NONRENEWAL OF CONTRACT.

29 1. A contract for the establishment of a state public
30 pilot charter school may be revoked by the state board or the
31 sponsor that established the pilot charter school if the
32 appropriate board determines that one or more of the following
33 occurred:

34 a. Failure of the sponsor to abide by and meet the
35 educational goals set forth in the contract.

1 b. Failure of the sponsor to comply with all applicable
2 law.

3 c. Failure of the sponsor to meet generally accepted
4 public sector accounting principles.

5 d. The existence of one or more other grounds for
6 revocation as specified in the contract.

7 2. The decision by a sponsor to revoke or to fail to take
8 action to renew a pilot charter school contract is subject to
9 appeal under section 290.1. A sponsor considering revocation
10 or nonrenewal of a charter school contract shall notify the
11 school district in which the charter school is located, the
12 parents or legal guardians of the students enrolled in the
13 charter school, and the teachers employed by the charter
14 school, sixty days prior to revoking or the date by which the
15 contract must be renewed, but not later than the last day of
16 classes in the school year.

17 3. If the state board determines that a charter school
18 board is in substantial violation of the terms of the
19 contract, the state board shall assume temporary oversight
20 authority, operational authority, or both oversight and
21 operational authority, and notify the charter school board of
22 its intention to revoke the contract at least sixty days prior
23 to revoking a contract. The notice shall state the grounds
24 for the proposed action in writing and in reasonable detail.
25 The sponsor or charter school board may request in writing an
26 informal hearing before the state board within fourteen days
27 of receiving notice of revocation of the contract. Upon
28 receiving a timely written request for a hearing, the state
29 board shall give reasonable notice to the sponsor of the
30 hearing date. The state board shall conduct an informal
31 hearing before taking final action. The state board shall
32 take final action to revoke or approve continuation of a
33 contract by the last day of classes in the school year. If
34 the final action to revoke a contract under this section
35 occurs prior to the last day of classes in the school year, a

1 pilot charter school student may enroll in the resident
2 district or another district as provided in section 256F.10,
3 subsection 2.

4 4. The decision of the state board to revoke a contract
5 under this section is solely within the discretion of the
6 state board and is final.

7 5. A sponsor revoking a contract or a sponsor that fails
8 to renew a contract under this chapter is not liable for that
9 action to the pilot charter school, a student enrolled in the
10 pilot charter school or the student's parent or guardian, or
11 any other person.

12 Sec. 10. NEW SECTION. 256F.10 PROCEDURES AFTER
13 REVOCATION -- STUDENT ENROLLMENT.

14 1. If the contract for a pilot charter school district is
15 revoked in accordance with section 256F.9, the state board
16 shall merge the territory of the charter school district with
17 one or more contiguous school districts at the end of the
18 charter school year. Division of assets and liabilities of
19 the charter school district shall be as provided in sections
20 275.29 through 275.31. Until the merger is completed, and
21 subject to a decision by the state board of education, the
22 pilot charter school district shall pay tuition for its
23 resident students to an accredited school district under
24 section 282.24. However, in lieu of merger and payment of
25 tuition by a pilot charter school district, the state board
26 may place the district under receivership for the remainder of
27 the school year or until the district meets the accreditation
28 requirements of section 256.11 or the terms of the contract
29 entered into pursuant to section 256F.7. The receivership
30 shall be under the direct supervision and authority of the
31 director of the department of education. The decision of
32 whether to merge the school district and require payment of
33 tuition for the charter school district's students or to place
34 the district under receivership shall be based upon a
35 determination by the state board of the best interests of the

1 students, parents, residents of the community, teachers,
2 administrators, and board members of the district and the
3 recommendations of the director of the department of
4 education. If the state board revokes a contract, the
5 revocation shall take effect on the date established by the
6 resolution of the state board, which shall be no later than
7 the end of the school year in which the contract is revoked.

8 2. If a pilot charter school contract is revoked in
9 accordance with this chapter, a student who attended the
10 school, siblings of the student, or another student who
11 resides in the same place as the student may enroll in the
12 resident district or may submit an application to a
13 nonresident district according to section 282.18 at any time.
14 Applications and notices required by section 282.18 shall be
15 processed and provided in a prompt manner. The application
16 and notice deadlines in section 282.18 do not apply under
17 these circumstances.

18 Sec. 11. NEW SECTION. 256F.11 TRANSPORTATION.

19 1. By July 1 of each year, a charter school shall notify
20 the district in which the school is located and the department
21 if it will provide transportation for students enrolled at the
22 school for the fiscal year.

23 2. If a charter school elects to provide transportation
24 for students, the transportation shall be provided by the
25 charter school within the district in which the charter school
26 is located. The state shall pay transportation aid to the
27 charter school according to section 285.1.

28 3. For students who reside outside the district in which
29 the charter school is located, the charter school is not
30 required to provide or pay for transportation between the
31 student's residence and the border of the district in which
32 the charter school is located. A parent may be reimbursed by
33 the charter school for costs of transportation from the
34 student's residence to the border of the district in which the
35 charter school is located if the student is from a family

1 whose income is at or below the poverty level, as defined by
2 the most recently revised poverty income guidelines published
3 by the United States department of health and human services.
4 The reimbursement shall be in the manner provided in section
5 285.3 for parental reimbursement for nonpublic school student
6 transportation.

7 4. At the time a student enrolls in a charter school, the
8 charter school shall provide the parent or guardian with
9 information regarding transportation.

10 5. If a charter school does not elect to provide
11 transportation, transportation for students enrolled at the
12 school shall be provided by the district in which the school
13 is located, in the manner provided in section 285.1,
14 subsection 15, for a student residing in the same district in
15 which a nonpublic school designated for attendance is located.
16 Transportation may be provided by the district in which the
17 charter school is located for a student residing in a
18 different district, in the same manner provided for in section
19 285.1, subsection 16, for students whose nonpublic school
20 designated for attendance is located outside the boundary line
21 of the school district of the student's residence.

22 Sec. 12. NEW SECTION. 256F.12 LEASED SPACE.

23 A charter school may lease space from a school board
24 eligible to be a sponsor or other public or private nonprofit,
25 nonsectarian organization. If a charter school is unable to
26 lease appropriate space from an eligible school board or other
27 public or private nonprofit, nonsectarian organization, the
28 school may lease space from another nonsectarian organization
29 if the department, in consultation with the department of
30 management, approves the lease. If the school is unable to
31 lease appropriate space from public or private nonsectarian
32 organizations, the school may lease space from a sectarian
33 organization if the leased space is constructed as a school
34 facility and the department, in consultation with the
35 department of management, approves the lease.

1 Sec. 13. NEW SECTION. 256F.13 GENERAL AUTHORITY.

2 The board of directors of a charter school may sue and be
3 sued.

4 Sec. 14. NEW SECTION. 256F.14 IMMUNITY.

5 The board of directors of the charter school shall obtain
6 at least the amount of and types of insurance required by the
7 contract, according to section 256F.7.

8 Sec. 15. NEW SECTION. 256F.15 INITIAL COSTS.

9 A sponsor may authorize a charter school before the
10 applicant has secured its space, equipment, facilities, and
11 personnel if the applicant indicates the authority is
12 necessary for it to raise working capital. A sponsor shall
13 not authorize a school before the state board has approved the
14 authorization.

15 Sec. 16. NEW SECTION. 256F.16 STATE SCHOOL FOUNDATION
16 AID FOR A CHARTER SCHOOL.

17 1. A student enrolled in a charter school shall be
18 counted, for state school foundation aid purposes, in the
19 student's district of residence. A student's residence, for
20 purposes of this section, shall be as established under
21 section 282.1. The board of directors of the district of
22 residence shall pay to the charter school, on a timely basis,
23 the district cost per pupil, or the charter school's cost per
24 pupil as determined by the department based upon information
25 supplied by the charter school, whichever is lowest, plus any
26 moneys received for the student as a result of non-English-
27 speaking weighting under section 280.4, subsection 3, and any
28 moneys available to the district for each child attending the
29 pilot charter school who requires special education, by
30 application of the special education weighting plan in section
31 256B.9, for each school year. The district of residence shall
32 also transmit the phase III moneys allocated to the district
33 for the full-time equivalent attendance of the student to the
34 charter school.

35 2. If a parent or guardian of a child enrolled in a

1 charter school under this chapter moves to a different school
2 district during the course of either district's academic year,
3 the child's first district of residence shall be responsible
4 for payment of the cost per pupil plus weightings or special
5 education costs to the charter school for the balance of the
6 school year in which the move took place. The new district of
7 residence shall be responsible for the payments during the
8 succeeding years.

9 Sec. 17. NEW SECTION. 256F.17 AUTHORIZED EXPENDITURES.

10 A charter school is a public school for purposes of section
11 257.7.

12 Sec. 18. NEW SECTION. 256F.18 EXEMPTION FROM TAXATION.

13 A pilot charter school is exempt from all state taxation on
14 its earnings and property. Instruments of conveyance to or
15 from a pilot charter school are exempt from all state
16 taxation. Except as provided in section 256F.5, subsection 1,
17 paragraph "f", a pilot charter school shall not levy taxes or
18 issue bonds for any purpose. The operation of a pilot charter
19 school and oversight of a pilot charter school by a school
20 district shall not affect the ability of the school district
21 to levy taxes in accordance with any applicable statute.

22 Sec. 19. NEW SECTION. 256F.19 OTHER AID -- INTERESTS IN
23 PROPERTY.

24 A pilot charter school may acquire by purchase, gift,
25 devise, lease, sublease, installment purchase agreement, land
26 contract, option, or by any other means, hold and own in its
27 own name buildings and other property for school purposes and
28 other interests, including, but not limited to, interests in
29 property subject to mortgages, security interests, or other
30 liens, necessary or convenient to fulfill its purposes. For
31 the purposes of condemnation, a pilot charter school may
32 proceed under chapter 6B or any other applicable statutes, but
33 only with the express, written permission of the authorizing
34 body in each instance of condemnation and only after just
35 compensation has been determined and paid.

1 Sec. 20. NEW SECTION. 256F.20 DISSEMINATE INFORMATION.

2 The sponsor, the operators, and the department shall
3 disseminate information to the public on how to organize and
4 operate a charter school and how to utilize the offerings of a
5 charter school. Particular groups to be targeted include low-
6 income families and communities and students of color.

7 Sec. 21. NEW SECTION. 256F.21 REPORTS.

8 1. A pilot charter school shall report at least annually
9 to its sponsor and the state board the information required by
10 the sponsor or the state board. The reports are public
11 records subject to chapter 22.

12 2. Notwithstanding section 256F.4, subsection 1, not later
13 than December 1, 2003, and annually thereafter, the state
14 board shall submit a comprehensive report, with findings and
15 recommendations, to the senate and house standing committees
16 on education. The report shall evaluate pilot charter school
17 programs generally, including but not limited to, an
18 evaluation of whether the pilot programs are fulfilling the
19 purposes set forth in section 256F.5, subsection 1. The
20 report also shall contain, for each pilot charter school, a
21 copy of the pilot charter school's mission statement,
22 attendance statistics and dropout rate, aggregate assessment
23 test scores, projections of financial stability, and number of
24 and comments on supervisory visits by the department of
25 education.

26 Sec. 22. EMERGENCY RULES. The state board of education
27 may adopt emergency rules under section 17A.4, subsection 2,
28 and section 17A.5, subsection 2, paragraph "b", to implement
29 this Act and the rules shall be effective immediately upon
30 filing unless a later date is specified in the rules. Any
31 rules adopted in accordance with this section shall also be
32 published as a notice of intended action as provided in
33 section 17A.4.

34 Sec. 23. CONDITIONAL EFFECTIVENESS. Section 256F.5,
35 subsection 1, paragraph "j", as enacted in this Act, takes

1 effect only if 2001 Iowa Acts, Senate File 476, is enacted.

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SENATE FILE 348

H-1450

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 24, by inserting after the word
4 "school" the following: ", or a state public charter
5 school district as the context indicates,".

6 2. Page 2, by striking lines 7 and 8 and
7 inserting the following: "256F.5. The state board
8 shall approve not more than ten pilot charter school
9 applications, of which not more than two shall be
10 applications for the conversion of public school
11 districts to pilot charter school districts. The
12 state board shall".

13 3. Page 2, line 13, by striking the words
14 "charter school" and inserting the following: "pilot
15 charter school district".

16 4. Page 2, line 15, by inserting after the word
17 "purpose." the following: "However, the application
18 for approval of a pilot charter school district
19 required in accordance with section 256F.6 shall be
20 substantially complete and accurate and shall be made
21 available to the public prior to submitting to the
22 voters of the school district the question of whether
23 to operate the entire school district as a state
24 public pilot charter school district."

25 5. Page 2, line 17, by inserting after the word
26 "approval" the following: "or disapproval".

27 6. Page 2, line 34, by inserting before the word
28 "charter" the following: "pilot".

29 7. Page 3, by striking lines 12 and 13, and
30 inserting the following: "instruction under a
31 contract with an area education agency, and all
32 parents and guardians of children enrolled in the
33 school".

34 8. Page 3, by striking line 16, and inserting the
35 following: "school's board of directors. The
36 meetings and the records of the board of".

37 9. Page 3, line 27, by inserting before the word
38 "charter" the following: "pilot".

39 10. Page 3, line 30, by inserting before the word
40 "charter" the following: "pilot".

41 11. Page 3, by striking lines 32 through 34, and
42 inserting the following: "approval. If the school
43 board denies the application, the sponsor may appeal
44 the school board's decision to the state board. The
45 decision of the state board is final and not subject
46 to review by any court. A school board seeking to".

47 12. Page 4, line 3, by inserting before the word
48 "charter" the following: "pilot".

49 13. Page 4, line 9, by striking the word "school"
50 and inserting the following: "pilot charter school".

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1 14. Page 4, line 16, by inserting before the word
2 "charter" the following: "pilot".

3 15. Page 5, line 13, by inserting after the words
4 "a charter." the following: "A pilot charter school
5 district shall not exceed the levy limits or purposes
6 for the levies established or bonds issued."

7 16. Page 5, by striking line 24 and inserting the
8 following: "chapter 256B. However, a child requiring
9 special education shall not be enrolled in the pilot
10 charter school unless the pilot charter school is able
11 to provide the appropriate special education program
12 for that student in accordance with rules adopted by
13 the department. The school district of residence and
14 the pilot charter school shall jointly determine
15 whether the pilot charter school's special education
16 program is appropriate for the student. If the
17 appropriateness of the special education program in
18 the resident district is questioned by the parent, the
19 parent may obtain a review in accordance with section
20 256B.6. If the appropriateness of the special
21 education program in the pilot charter school is at
22 issue, the final determination of the appropriateness
23 of a special education program shall be the
24 responsibility of the director of special education of
25 the area education agency in which the pilot charter
26 school is located, based upon the decision of a
27 diagnostic-education team from the pilot charter
28 school that shall include a representative from the
29 resident district which has the authority to commit
30 district resources. The school district of residence
31 shall".

32 17. Page 5, line 25, by striking the word
33 "state".

34 18. Page 5, line 27, by striking the word
35 "extraordinary" and inserting the following:
36 "excess".

37 19. Page 7, line 12, by inserting after the word
38 "program" the following: "and curriculum".

39 20. Page 8, line 24, by inserting before the word
40 "charter" the following: "pilot".

41 21. Page 8, line 33, by inserting before the word
42 "charter" the following: "pilot".

43 22. Page 9, line 1, by inserting before the word
44 "charter" the following: "pilot".

45 23. Page 9, by striking lines 16 and 17 and
46 inserting the following:

47 "4. Individuals employed by a pilot charter school
48 shall be public school employees for purposes of
49 retirement under chapter 97B."

50 24. Page 10, line 17, by inserting before the

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Page 3

1 word "charter" the following: "pilot".
2 25. Page 10, line 33, by inserting after the word
3 "year." the following: "Final action to revoke a
4 contract shall be taken in a manner least disruptive
5 to students enrolled in the pilot charter school."
6 26. Page 12, line 19, by inserting before the
7 word "charter" the following: "pilot".
8 27. By striking page 12, line 23 through page 13,
9 line 21, and inserting the following:
10 "2. If the pilot charter school does not elect to
11 provide transportation for students enrolled at the
12 pilot charter school, the school district in which the
13 pilot charter school is located shall provide
14 transportation to resident students enrolled in the
15 pilot charter school who are eligible for
16 transportation in accordance with section 285.1. The
17 pilot charter school shall pay the school district for
18 transportation services provided pursuant to this
19 subsection in an amount that shall not exceed the
20 district average cost per student transported."
21 28. Page 13, line 23, by inserting before the
22 word "charter" the following: "pilot".
23 29. Page 14, line 2, by inserting before the word
24 "charter" the following: "pilot".
25 30. Page 14, line 5, by inserting before the word
26 "charter" the following: "pilot".
27 31. Page 14, line 9, by inserting before the word
28 "charter" the following: "pilot".
29 32. Page 14, line 17, by inserting before the
30 word "charter" the following: "pilot".
31 33. Page 15, line 1, by inserting before the word
32 "charter" the following: "pilot".
33 34. Page 15, line 10, by inserting before the
34 word "charter" the following: "pilot".
35 35. Page 16, by inserting after line 25, the
36 following:
37 "Sec. ____ . Section 257.31, subsection 5, paragraph
38 d, is amended to read as follows:
39 d. The closing of a nonpublic school, wholly or in
40 part, or the opening or closing of a pilot charter
41 school."
42 36. Page 17, line 1, by inserting after the
43 figure "476" the following: "or House File 672".

By COMMITTEE ON EDUCATION
GRUNDBERG of Polk, Chairperson

H-1450 FILED APRIL 9, 2001

W/10
3/26/02
(P. 974)

SENATE FILE 348**H-1490**

1 Amend the amendment, H-1450, to Senate File 348, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, by striking lines 7 through 33 and
 5 inserting the following:
 6 "_____. Page 5, by striking lines 24 and 25 and
 7 inserting the following: "chapter 256B. The school
 8 district of residence may pay to the pilot charter
 9 school the difference between the moneys"."

10 2. By renumbering as necessary.

By STEVENS of Dickinson

H-1490 FILED APRIL 11, 2001

0/0
 3/26/02
 (P. 974)

SENATE FILE 348**H-1491**

1 Amend the amendment, H-1450, to Senate File 348, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, by striking lines 7 through 31.
 5 2. By renumbering as necessary.

By STEVENS of Dickinson

H-1491 FILED APRIL 11, 2001

0/0
 3/26/02
 (P. 974)

SENATE FILE 348**H-1492**

1 Amend Senate File 348, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, line 3, by inserting after the word
 4 "years." the following: "Notwithstanding sections
 5 282.1 and 282.24, a pilot charter school may charge a
 6 student who is not a resident of Iowa tuition and
 7 fees, but shall not include the student in the pilot
 8 charter school's enrollment for state school
 9 foundation aid purposes."

By STEVENS of Dickinson

H-1492 FILED APRIL 11, 2001

0/0 ~~3-26-02 (P. 990)~~ - - - - -

SENATE FILE 348**H-1495**

1 Amend Senate File 348, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 7, line 13, by inserting after the word
 4 "students." the following: "If a pilot charter school
 5 chooses not to comply with all of the provisions of
 6 statute or administrative rule, in accordance with
 7 section 256F.5, subsection 1, the pilot charter school
 8 shall provide a statement indicating the provisions
 9 with which the pilot charter school does not comply."

By MASCHER of Johnson

H-1495 FILED APRIL 12, 2001

0/0 3-26-02

SENATE FILE 348**H-1496**

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 19 through 22.

By WINCKLER of Scott**H-1496** FILED APRIL 12, 2001

o/o
3/26/02

SENATE FILE 348**H-1497**

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 41 through 46.
- 5 2. By renumbering as necessary.

By WINCKLER of Scott**H-1497** FILED APRIL 12, 2001

o/o
3/26/02
(P. 974)

SENATE FILE 348**H-1498**

- 1 Amend the amendment, H-1450, to Senate File 348, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 20, by striking the words
- 5 "district average" and inserting the following:
- 6 "actual".

By FREVERT of Palo Alto**H-1498** FILED APRIL 12, 2001

o/o
3/26/02
(P. 974)

SENATE FILE 348**H-1499**

- 1 Amend Senate File 348, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 11 the
- 4 following:
- 5 "____. If the state board revokes the contract of a
- 6 pilot charter school contract in accordance with this
- 7 section, the state of Iowa shall assume all of the
- 8 outstanding obligations of the pilot charter school
- 9 and be liable for and recognize, assume, and carry out
- 10 all valid contracts and obligations of the pilot
- 11 charter school, unless expressly prohibited by Article
- 12 VII, section 1, of the Constitution of the State of
- 13 Iowa."
- 14 2. By renumbering as necessary.

By MASCHER of Johnson**H-1499** FILED APRIL 12, 2001

o/o
3/26/02

SENATE FILE 348**H-1500**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, line 32, by inserting after the word
4 "employees." the following: "However, the procedure
5 for discharge of a teacher shall be as provided in
6 sections 279.15 through 279.19, and 279.27."

7 2. Page 9, by striking lines 5 through 7, and
8 inserting the following: "directors of a charter
9 school is a public employer for the purposes of
10 chapter 20. The collective bargaining agreement of
11 the district in which the pilot charter school is
12 located shall serve as the base agreement and the
13 employees of the pilot charter school shall
14 automatically be accreted to the bargaining unit of
15 that collective bargaining agreement for purposes of
16 negotiating the contracts for the pilot charter
17 school's initial year of operation without further
18 action by the public employment relations board. The
19 pilot charter school board, using the base agreement
20 as its existing contract, shall bargain with the
21 employees of the pilot charter school for the pilot
22 charter school's initial school year unless a
23 bargaining agreement was already concluded by the
24 school district and its employees for that school
25 year. After the pilot charter school's initial year
26 of operation, the bargaining units at the".

By MASCHER of Johnson

H-1500 FILED APRIL 12, 2001

o/o
3/26/02

SENATE FILE 348**H-1501**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting after line 1 the
4 following:

5 "Sec. ____ . CONTINGENT EFFECTIVENESS. This Act is
6 effective contingent upon an appropriation by the
7 Seventy-ninth General Assembly, First Session, for the
8 fiscal year beginning July 1, 2001, to the department
9 of education in an amount sufficient to administer the
10 pilot charter school program as set forth by this
11 Act."

12 2. Title page, line 2, by striking the words "a
13 conditional effective date" and inserting the
14 following: "conditional and contingent
15 effectiveness".

16 3. By renumbering as necessary.

By WINCKLER of Scott

H-1501 FILED APRIL 12, 2001

o/o
3/26/02

SENATE FILE 348

H-1502

1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 5.

5 2. Page 1, by striking lines 9 through 11 and
6 inserting the following: "applications. The".

7 3. Page 1, by striking lines 13 through 26 and
8 inserting the following:

9 "____. Page 2, by striking lines 11 through 26."

10 4. Page 2, by striking lines 3 through 6 and
11 inserting the following:

12 "____. Page 5, by striking lines 10 through 17 and
13 inserting the following: "294A, as if it did not
14 operate under a charter."

15 _____. Page 5, by striking lines 19 through 21 and
16 inserting the following: "that existed prior to its
17 becoming a pilot charter school. The enrollment of
18 the pilot charter school shall be calculated and
19 submitted as provided in"."

20 5. Page 3, by striking lines 2 through 5 and
21 inserting the following:

22 "____. By striking page 10, line 33 through page
23 11, line 3 and inserting the following: "contract by
24 the last day of classes in the school year. Final
25 action to revoke a contract shall be taken in a manner
26 least disruptive to students enrolled in the pilot
27 charter school.

28 _____. If a pilot charter school contract is revoked
29 in accordance with this chapter, a student who
30 attended the school, siblings of the student, or
31 another student who resides in the same place as the
32 student may enroll in the resident district or may
33 submit an application to a nonresident district
34 according to section 282.18 at any time. Applications
35 and notices required by section 282.18 shall be
36 processed and provided in a prompt manner. The
37 application and notice deadlines in section 282.18 do
38 not apply under these circumstances."

39 _____. By striking page 11, line 12 through page
40 12, line 17."

41 6. Page 3, by inserting after line 34 the
42 following:

43 "____. Page 15, lines 16 and 17, by striking the
44 words and figures "Except as provided in section
45 256F.5, subsection 1, paragraph "f", a" and inserting
46 the following: "A"."

47 7. By renumbering as necessary.

By LENSING of Johnson

H-1502 FILED APRIL 12, 2001

o/p
3/26/02
(R 974)

SENATE FILE 348**H-1503**

1 Amend the amendment, H-1450, to Senate File 348, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 1, by striking lines 6 through 12.
 5 2. By renumbering as necessary.

By GREIMANN of Story**H-1503** FILED APRIL 12, 2001

o/o
3/26/02
(p. 974)

SENATE FILE 348**H-1504**

1 Amend the amendment, H-1450, to Senate File 348, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 1, line 21, by inserting after the word
 5 "public" the following: "at a public hearing held
 6 ninety days".

By LENSING of Johnson**H-1504** FILED APRIL 12, 2001

o/o
3/20/02
(p. 974)

SENATE FILE 348**H-1505**

1 Amend Senate File 348, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 2, line 18, by striking the words "a
 4 majority" and inserting the following: "at least
 5 sixty percent".

By GREIMANN of Story**H-1505** FILED APRIL 12, 2001

o/o
3/26/02

SENATE FILE 348**H-1506**

1 Amend the amendment, H-1450, to Senate File 348, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

- 4 1. Page 1, by striking lines 3 through 5 and
 5 inserting the following:
 6 "____. Page 1, by inserting after line 24 the
 7 following:
 8 "____. "Pilot charter school district" means a
 9 state public pilot charter school district operated as
 10 a pilot charter school program unless the context
 11 otherwise requires.""
 12 2. By renumbering as necessary.

By BUKTA of Clinton**H-1506** FILED APRIL 12, 2001

o/o
3/26/02
(p. 974)

SENATE FILE 348

H-1507

1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by striking lines 29 through 33 and
- 5 inserting the following:
- 6 "____. Page 3, by striking lines 10 through 13,
- 7 and inserting the following: "manner after the school
- 8 begins operating. The registered voters of the school
- 9 district in which the pilot charter school is
- 10 located".

By BUKTA of Clinton

H-1507 FILED APRIL 12, 2001

o/o
3/26/02
(7-974)

SENATE FILE 348

H-1508

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 5, by striking line 8 and inserting the
- 4 following:
- 5 "f. Receive state or federal moneys or be eligible
- 6 to receive state or federal".
- 7 2. Page 5, line 9, by inserting after the figure
- 8 "257," the following: "283A,".
- 9 3. Page 6, by inserting after line 7 the
- 10 following:
- 11 "k. Be subject to and comply with chapter 283A
- 12 relating to school meal programs as if it did not
- 13 operate under a charter."
- 14 4. By renumbering as necessary.

By GREIMANN of Story

H-1508 FILED APRIL 12, 2001

o/o
3/26/02

SENATE FILE 348

H-1509

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 9, by inserting after line 26 the
- 4 following:
- 5 "Sec. ____ . NEW SECTION. 256F.8A ENROLLMENT
- 6 NOTIFICATION.
- 7 By January 1 of the preceding school year, the
- 8 parent or guardian shall send notification to the
- 9 district of residence, on forms prescribed by the
- 10 department of education, that the parent or guardian
- 11 intends to enroll the parent's or guardian's child in
- 12 a pilot charter school. A parent or guardian is
- 13 exempt from this requirement if the parent can show
- 14 good cause, as defined in section 282.18, for failure
- 15 to make notification in accordance with this section."
- 16 2. By renumbering as necessary.

By MASCHER of Johnson

H-1509 FILED APRIL 12, 2001

o/o *3/26/02*

SENATE FILE 348**H-1521**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 14, line 12, by inserting after the word
4 "capital." the following: "However, the sponsor of
5 the pilot charter school shall be responsible for the
6 initial costs of establishing the pilot charter
7 school."

By WINCKLER of Scott

H-1521 FILED APRIL 16, 2001

0/0
3/26/02

SENATE FILE 348**H-1523**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 35, by striking the figure "2001"
4 and inserting the following: "2002".

By MASCHER of Johnson

H-1523 FILED APRIL 16, 2001

0/0
3/26/02

SENATE FILE 348**H-1529**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 35, by striking the words "full-
4 time teachers" and inserting the following:
5 "individuals employed".

By BUKTA of Clinton

H-1529 FILED APRIL 16, 2001

0/0
3/26/02

SENATE FILE 348**H-1530**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, by inserting after line 6, the
4 following:
5 "_____. In the fifth year of a pilot charter
6 school's operation, the state board shall determine
7 whether the pilot charter school meets the goals and
8 objectives that the school district in which the pilot
9 charter school is located has established in
10 accordance to section 256.7, subsection 21.
11 Notwithstanding subsection 1, if the pilot charter
12 school does not meet these goals and objectives, the
13 state board shall revoke the pilot charter school's
14 contract at the end of that school year."
15 2. By renumbering as necessary.

By MASCHER of Johnson

H-1530 FILED APRIL 16, 2001

0/0 3/26/02

SENATE FILE 348

H-1520

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, line 11, by inserting after the word
4 "disability," the following: "proficiency in English,
5 status as a homeless person, economic status,"

By WINCKLER of Scott

H-1520 FILED APRIL 16, 2001

O/O
3/26/02

SENATE FILE 348

H-1535

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, line 22, by inserting after the word
4 "lot." the following: "However, a pilot charter
5 school district shall enroll all eligible resident
6 students, regardless of capacity."

By COHOON of Des Moines

H-1535 FILED APRIL 16, 2001

O/O
3/26/02

SENATE FILE 348

H-1536

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, by inserting after line 6, the
4 following:
5 "____. In the fifth year of a pilot charter
6 school's operation, the state board shall assess the
7 progress made by the pilot charter school against the
8 student achievement baseline measurements established
9 in the first year of the pilot charter school's
10 operation. Notwithstanding subsection 1, if the state
11 board assessment fails to find evidence of adequate
12 academic progress, the state board shall revoke the
13 pilot charter school's contract at the end of that
14 school year."

15 2. By renumbering as necessary.

By MASCHER of Johnson

H-1536 FILED APRIL 16, 2001

O/O
3/26/02

SENATE FILE 348**H-1532**

- 1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 13, by inserting after the word
4 "site" the following: "and to be more involved in the
5 direct management of the school.
6 7. Increase parental involvement.
7 8. Increase student access to advanced placement
8 courses and talented and gifted programs."
9 2. By renumbering as necessary.

By FREVERT of Palo Alto

H-1532 FILED APRIL 16, 2001

o/o 3/26/02

SENATE FILE 348**H-1533**

- 1 Amend the amendment, H-1450, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 42 and 43, and
5 inserting the following:
6 "____. Page 17, by striking line 1 and inserting
7 the following: "effect only if 2001 Iowa Acts, Senate
8 File 476 or House File 672 is enacted, and if the
9 general assembly appropriates not less than \$40
10 million for the fiscal year beginning July 1, 2001,
11 and ending June 30, 2002, for the purpose of funding
12 the implementation of Senate File 476 or House File
13 672.""

By MASCHER of Johnson

H-1533 FILED APRIL 16, 2001

*o/o
3/26/02
(p. 474)*

SENATE FILE 348**H-1534**

- 1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 7 the
4 following:
5 "k. Be subject to and comply with the policies
6 adopted by the school board of the school district in
7 which the pilot charter school is located."
8 2. By renumbering as necessary.

By RICHARDSON of Warren

H-1534 FILED APRIL 16, 2001

*o/o
3/26/02*

SENATE FILE 348**H-8206**

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 256F.1 AUTHORIZATION
6 AND PURPOSE.

7 1. Charter schools shall be part of the state's
8 program of public education.

9 2. A charter school may be established by creating
10 a new school within an existing public school or
11 converting an existing public school to charter
12 status.

13 3. The purpose of a charter school established
14 pursuant to this chapter shall be to accomplish the
15 following:

16 a. Improve student learning.

17 b. Increase learning opportunities for students.

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

20 d. Require the measurement of learning outcomes
21 and create different and innovative forms of measuring
22 outcomes.

23 e. Establish new forms of accountability for
24 schools.

25 f. Create new professional opportunities for
26 teachers and other educators, including the
27 opportunity to be responsible for the learning program
28 at the school site.

29 Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.

30 1. "Advisory council" means a council appointed by
31 the school board of directors of a charter school
32 pursuant to section 256F.5, subsection 4.

33 2. "Attendance center" means a public school
34 building that contains classrooms used for
35 instructional purposes for elementary, middle, or
36 secondary school students.

37 3. "Charter school" means a state public charter
38 school operated as a pilot program.

39 4. "Department" means the department of education.

40 5. "School board" means a board of directors
41 regularly elected by the registered voters of a school
42 district.

43 6. "State board" means the state board of
44 education.

45 Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM --
46 APPLICATION.

47 1. Commencing with the school year beginning July
48 1, 2002, the state board of education shall initiate a
49 pilot program to test the effectiveness of charter
50 schools.

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Page 2

1 2. To receive approval to establish a charter
2 school in accordance with this chapter, the principal,
3 teachers, or parents of students at an existing public
4 school shall submit an application to the school board
5 to convert an existing attendance center to a charter
6 school. An attendance center shall not enter into a
7 charter school contract with a school district under
8 this chapter unless the attendance center is located
9 within the school district. The application shall
10 demonstrate the support of at least fifty percent of
11 the teachers employed at the school and fifty percent
12 of the parents voting whose children are enrolled at
13 the school, provided that a majority of the parents
14 eligible to vote participate in the ballot process,
15 according to procedures established by rules of the
16 state board.

17 3. A school board shall receive and review all
18 applications for a charter school. Applications
19 received on or before October 1 of a calendar year
20 shall be considered for charter schools to be
21 established at the beginning of the school district's
22 next school year or at a time agreed to by the
23 applicant and the school board. However, a school
24 board may receive and consider applications after
25 October 1 at its discretion.

26 4. A school board shall by a majority vote approve
27 or deny an application no later than sixty calendar
28 days after the application is received. A school
29 board that denies an application for a conversion to a
30 charter school shall provide notice of denial to the
31 applicant in writing within thirty days after board
32 action. The notice shall specify the exact reasons
33 for denial and provide documentation supporting those
34 reasons.

35 5. An applicant may appeal school board denial of
36 the applicant's charter school application to the
37 state board in accordance with the procedures set
38 forth in chapter 290. The state board shall affirm,
39 modify, or reverse the school board's decision on the
40 basis of the information provided in the application
41 indicating the ability or willingness of the proposed
42 charter school to meet the requirements of section
43 256F.1, subsection 3, and section 256F.4.

44 6. Upon approval of an application for the
45 proposed establishment of a charter school, the school
46 board shall submit an application for approval to
47 establish the charter school to the state board in
48 accordance with section 256F.5. The state board shall
49 approve only those applications that meet the
50 requirements specified in section 256F.1, subsection

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Page 3

1 3, and section 256F.4. The state board shall approve
2 not more than ten charter school applications. The
3 state board shall adopt rules in accordance with
4 chapter 17A for the implementation of this chapter.

5 7. If federal rules or regulations relating to the
6 distribution or utilization of federal funds allocated
7 to the department pursuant to this section are adopted
8 that are inconsistent with the provisions of this
9 chapter, the state board shall adopt rules to comply
10 with the requirements of the federal rules or
11 regulations.

12 Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING
13 REQUIREMENTS.

14 1. Within fifteen days after approval of a charter
15 school application submitted in accordance with
16 section 256F.3, subsection 2, a school board shall
17 report to the department the name of the charter
18 school applicant entry, the proposed charter school
19 location, and its projected enrollment. In order to
20 facilitate an accurate budget projection process, a
21 school board shall receive funds for students who are
22 not included in the third Friday in September
23 enrollment report due to approval of charter school
24 applications after the actual enrollment is
25 determined. The department of management shall adjust
26 the enrollment of the school district to reflect this
27 intent.

28 2. Although a charter school may elect to comply
29 with one or more provisions of statute or
30 administrative rule, a charter school is exempt from
31 all statutes and rules applicable to a school, a
32 school board, or a school district, except that the
33 charter school shall do all of the following:

34 a. Meet all applicable federal, state, and local
35 health and safety requirements and laws prohibiting
36 discrimination on the basis of race, creed, color,
37 sex, national origin, religion, ancestry, or
38 disability. A charter school shall be subject to any
39 court-ordered desegregation plan in effect for the
40 school district at the time the school's charter
41 application is approved.

42 b. Operate as a nonsectarian, nonreligious public
43 school.

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

47 d. Be subject to and comply with chapters 216 and
48 216A relating to civil and human rights.

49 e. Provide special education services in
50 accordance with chapter 256B.

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1 f. Be subject to the same financial audits, audit
2 procedures, and audit requirements as a school
3 district. The audit shall be consistent with the
4 requirements of sections 11.6, 11.14, 11.19, 256.9,
5 subsection 19, and section 279.29, except to the
6 extent deviations are necessary because of the program
7 at the school. The department, the auditor of state,
8 or the legislative fiscal bureau may conduct
9 financial, program, or compliance audits.

10 g. Be subject to and comply with chapter 284
11 relating to the student achievement and teacher
12 quality program. A charter school that complies with
13 chapter 284 shall receive state moneys or be eligible
14 to receive state moneys as provided in chapter 284 as
15 if it did not operate under a charter.

16 h. Be subject to and comply with chapters 20 and
17 279 relating to contracts with and discharge of
18 teachers and administrators.

19 i. Be subject to and comply with the provisions of
20 chapter 285 relating to the transportation of
21 students.

22 j. Meetings of the advisory council are subject to
23 the provisions of chapters 21 and 22.

24 3. A charter school shall not discriminate in its
25 student admissions policies or practices on the basis
26 of intellectual or athletic ability, measures of
27 achievement or aptitude, or status as a person with a
28 disability. However, a charter school may limit
29 admission to students who are within a particular
30 range of age or grade level or on any other basis that
31 would be legal if initiated by a school district.
32 Enrollment priority shall be given to the siblings of
33 students enrolled in a charter school.

34 4. A charter school shall enroll an eligible
35 student who submits a timely application unless the
36 number of applications exceeds the capacity of a
37 program, class, grade level, or building. In this
38 case, students must be accepted by lot. A charter
39 school shall be subject to section 282.18 as if it did
40 not operate under a charter, except as provided in
41 this chapter.

42 5. A charter school shall provide instruction for
43 at least the number of days required by section
44 279.10, subsection 1, or shall provide at least the
45 equivalent number of total hours.

46 6. Notwithstanding subsection 2, a charter school
47 shall meet the requirements of section 256.7,
48 subsection 21.

49 7. A charter school shall be considered a part of
50 the school district in which it is located for

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- 1 purposes of state school foundation aid pursuant to
2 chapter 257.
- 3 8. A charter school may enter into contracts and
4 issue bonds in accordance with chapter 73A.
- 5 Sec. 5. NEW SECTION. 256F.5 APPLICATION --
6 DEFINITION.
- 7 An application to the state board for the approval
8 of a charter school shall include, but shall not be
9 limited to, a description of the following:
- 10 1. The method for admission to the charter school.
11 2. The mission, purpose, innovation, and
12 specialized focus of the charter school.
13 3. Performance goals and objectives in addition to
14 those required under section 256.7, subsection 21, by
15 which the school's student achievement shall be
16 judged, the measures to be used to assess progress,
17 and the current baseline status with respect to the
18 goals.
- 19 4. The method for appointing or forming an
20 advisory council for the charter school.
- 21 5. Procedures for teacher evaluation and
22 professional development for teachers and
23 administrators.
- 24 6. The charter school governance and bylaws.
- 25 7. The financial plan for the operation of the
26 school.
- 27 8. The educational program and curriculum,
28 instructional methodology, and services to be offered
29 to students.
- 30 9. The number and qualifications of teachers and
31 administrators to be employed.
- 32 10. The organization of the school in terms of
33 ages of students or grades to be taught along with an
34 estimate of the total enrollment of the school.
- 35 11. The provision of school facilities.
- 36 12. A statement indicating how the charter school
37 will meet the requirements of section 256F.1,
38 subsection 3; section 256F.4, subsection 2, paragraph
39 "a"; and section 256F.4, subsection 3.
- 40 13. Assurance of the assumption of liability by
41 the charter school.
- 42 14. The types and amounts of insurance coverage to
43 be obtained by the charter school.
- 44 15. A plan of operation to be implemented if the
45 charter school revokes or fails to renew its contract.
- 46 16. The means, costs, and plan for providing
47 transportation for students attending the charter
48 school.
- 49 17. The specific statutes, administrative rules,
50 and school board policies with which the charter

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1 school does not intend to comply.

2 Sec. 6. NEW SECTION. 256F.6 CONTRACT.

3 1. An approved charter school application shall
4 constitute an agreement, the terms of which shall be
5 the terms of a four-year renewable contract between
6 the school board and the state board. The contract
7 shall reflect all agreements regarding the operation
8 of the charter school. The terms of the contract may
9 be revised at any time with the approval of both the
10 state board and the school board, whether or not the
11 stated provisions of the contract are being fulfilled.
12 The charter school shall provide parents and guardians
13 of students enrolled in the charter school with a copy
14 of the charter school application approved pursuant to
15 section 256F.5.

16 2. The contract shall outline the reasons for
17 revocation or nonrenewal of the charter.

18 3. The state board of education shall provide by
19 rule for the ongoing review of a school board's
20 compliance with a contract entered into in accordance
21 with this chapter.

22 Sec. 7. NEW SECTION. 256F.7 EMPLOYMENT AND
23 RELATED MATTERS.

24 1. A charter school shall employ or contract with
25 necessary teachers and administrators, as defined in
26 section 272.1, who hold a valid license with an
27 endorsement for the type of service for which the
28 teacher or administrator is employed.

29 2. The school board, in consultation with the
30 advisory council, shall decide matters related to the
31 operation of the school, including budgeting,
32 curriculum, and operating procedures.

33 3. Employees of a charter school shall be
34 considered employees of the school district.

35 Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR
36 REVOCATION OR NONRENEWAL OF CONTRACT.

37 1. A contract for the establishment of a charter
38 school may be revoked by the state board or the school
39 board that established the charter school if the
40 appropriate board determines that one or more of the
41 following occurred:

42 a. Failure of the charter school to abide by and
43 meet the provisions set forth in the contract,
44 including educational goals.

45 b. Failure of the charter school to comply with
46 all applicable law.

47 c. Failure of the charter school to meet generally
48 accepted public sector accounting principles.

49 d. The existence of one or more other grounds for
50 revocation as specified in the contract.

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1 2. The decision by a school board to revoke or to
2 fail to take action to renew a charter school contract
3 is subject to appeal under procedures set forth in
4 chapter 290.

5 3. A school board considering revocation or
6 nonrenewal of a charter school contract shall notify
7 the advisory council, the parents or legal guardians
8 of the students enrolled in the charter school, and
9 the teachers and administrators employed by the
10 charter school, sixty days prior to revoking or the
11 date by which the contract must be renewed, but not
12 later than the last day of classes in the school year.

13 4. If the state board determines that a charter
14 school is in substantial violation of the terms of the
15 contract, the state board shall notify the school
16 board and the advisory council of its intention to
17 revoke the contract at least sixty days prior to
18 revoking a contract and the school board shall assume
19 oversight authority, operational authority, or both
20 oversight and operational authority. The notice shall
21 state the grounds for the proposed action in writing
22 and in reasonable detail. The school board may
23 request in writing an informal hearing before the
24 state board within fourteen days of receiving notice
25 of revocation of the contract. Upon receiving a
26 timely written request for a hearing, the state board
27 shall give reasonable notice to the school board of
28 the hearing date. The state board shall conduct an
29 informal hearing before taking final action. The
30 state board shall take final action to revoke or
31 approve continuation of a contract by the last day of
32 classes in the school year. If the final action to
33 revoke a contract under this section occurs prior to
34 the last day of classes in the school year, a charter
35 school student may enroll in the resident district.

36 5. The decision of the state board to revoke a
37 contract under this section is solely within the
38 discretion of the state board and is final.

39 6. A school board revoking a contract or a school
40 board or advisory council that fails to renew a
41 contract under this chapter is not liable for that
42 action to the charter school, a student enrolled in
43 the charter school or the student's parent or
44 guardian, or any other person.

45 7. In the case of a revocation or a nonrenewal of
46 the charter, the school board is exempt from the state
47 board's "Barker guidelines", as provided in 1 D.P.I.
48 App. Dec. 145 (1977).

49 Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER
50 REVOCAATION -- STUDENT ENROLLMENT.

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1 if a charter school contract is revoked in
2 accordance with this chapter, a nonresident student
3 who attended the school, siblings of the student, or
4 another student who resides in the same place as the
5 student shall be determined to have shown good cause
6 as provided in section 282.18, subsection 16, and may
7 submit an application to another school district
8 according to section 282.18 at any time. Applications
9 and notices required by section 282.18 shall be
10 processed and provided in a prompt manner. The
11 application and notice deadlines in section 282.18 do
12 not apply to a nonresident student application under
13 these circumstances.

14 Sec. 10. NEW SECTION. 256F.10 REPORTS.

15 1. A charter school shall report at least annually
16 to the school board, advisory council, and the state
17 board the information required by the school board,
18 advisory council, or the state board. The reports are
19 public records subject to chapter 22.

20 2. Not later than December 1, 2003, and annually
21 thereafter, the state board shall submit a
22 comprehensive report, with findings and
23 recommendations, to the senate and house standing
24 committees on education. The report shall evaluate
25 the state's charter school programs generally,
26 including but not limited to, an evaluation of whether
27 the pilot programs are fulfilling the purposes set
28 forth in section 256F.4, subsection 2. The report
29 also shall contain, for each charter school, a copy of
30 the charter school's mission statement, attendance
31 statistics and dropout rate, aggregate assessment test
32 scores, projections of financial stability, the number
33 and qualifications of teachers and administrators, and
34 number of and comments on supervisory visits by the
35 department of education.

36 Sec. 11. NEW SECTION. 256F.11 FUTURE REPEAL.

37 This chapter is repealed effective July 1, 2010.

38 Sec. 12. Section 257.31, subsection 5, paragraph
39 d, is amended to read as follows:

40 d. The closing of a nonpublic school, wholly or in
41 part, or the opening or closing of a pilot charter
42 school.

43 Sec. 13. Section 282.18, subsection 16, Code 2001,
44 is amended to read as follows:

45 16. For purposes of this section, "good cause"
46 means a change in a child's residence due to a change
47 in family residence, a change in the state in which
48 the family residence is located, a change in a child's
49 parents' marital status, a guardianship proceeding,
50 placement in foster care, adoption, participation in a

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

22 Sec. 14. EXPEDITED APPLICATION PROCEDURE. The
 23 state board of education shall develop an expedited
 24 charter school application procedure for the fiscal
 25 year beginning July 1, 2003, for purposes of receiving
 26 federal planning funds issued pursuant to the federal
 27 Elementary and Secondary Education Act of 1965, Title
 28 X, Part C, as codified in 20 U.S.C. §§ 8061-8067.

29 Sec. 15. EMERGENCY RULES. The state board of
 30 education may adopt emergency rules under section
 31 17A.4, subsection 2, and section 17A.5, subsection 2,
 32 paragraph "b", to implement this Act and the rules
 33 shall be effective immediately upon filing unless a
 34 later date is specified in the rules. Any rules
 35 adopted in accordance with this section shall also be
 36 published as a notice of intended action as provided
 37 in section 17A.4."

38 2. Title page, lines 1 and 2, by striking the
 39 following: "and providing for a conditional effective
 40 date".

By COMMITTEE ON EDUCATION,
 GRUNDBERG of Polk,

Chairperson

H-8206 FILED MARCH 7, 2002

*adapted**3/26/02**(P-990)*

SENATE FILE 348

H-8397

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 28, by inserting after the word
5 "received." the following: "An application approved
6 by a school board and subsequently approved by the
7 state board pursuant to subsection 6 shall constitute,
8 at a minimum, an agreement between the school board
9 and the charter school for the operation of the
10 charter school."

11 2. Page 2, line 41, by striking the word "or" and
12 inserting the following: "and".

13 3. Page 3, line 1, by striking the word and
14 figure "section 256F.4" and inserting the following:
15 "sections 256F.4 and 256F.5. The state board may deny
16 an application if the state board deems that approval
17 of the application is not in the best interest of the
18 affected students".

19 4. Page 3, line 2, by inserting after the word
20 "applications." the following: "The state board shall
21 approve not more than one charter school application
22 per school district."

23 5. Page 3, by striking lines 19 through 27 and
24 inserting the following: "location, and its projected
25 enrollment."

26 6. Page 4, line 34, by inserting after the word
27 "eligible" the following: "resident".

28 7. Page 4, by striking lines 38 through 41 and
29 inserting the following: "case, students must be
30 accepted by lot. A charter school may enroll an
31 eligible nonresident student who submits a timely
32 application in accordance with the student admission
33 policy established pursuant to section 256F.5,
34 subsection 1. If the charter school enrolls an
35 eligible nonresident student, the charter school shall
36 notify the school district and the sending district
37 not later than March 1 of the preceding school year.
38 Transportation for the student shall be in accordance
39 with section 282.18, subsection 10. The sending
40 district shall make payments to the charter school in
41 the manner required under section 282.18, subsection
42 7."

43 8. Page 5, lines 3 and 4, by striking the words
44 "and issue bonds".

45 9. Page 5, line 26, by inserting after the word
46 "school" the following: "including, at a minimum, a
47 listing of the support services the school district
48 will provide, and the charter school's revenues,
49 budgets, and expenditures".

50 10. Page 6, line 4, by inserting after the word

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1 "shall" the following: ", at a minimum,".

2 11. Page 6, line 5, by inserting after the word
3 "four-year" the following: "enforceable,".

4 12. Page 6, by striking line 7 and inserting the
5 following: "shall include an operating agreement for
6 the operation".

7 13. Page 8, by striking lines 3 through 5 and
8 inserting the following: "who attended the school,
9 and any siblings of the student, shall be determined
10 to have shown good cause".

11 14. Page 9, by inserting after line 37, the
12 following:

13 "Sec. ____ . CONDITIONAL EFFECTIVENESS. This Act
14 takes effect upon the department of education's
15 receipt of federal funds that are provided to the
16 department under Pub. L. No. 107-110, cited as the
17 federal No Child Left Behind Act of 2001 (Title V,
18 Part B), for purposes of providing financial
19 assistance for the planning, program design, and
20 initial implementation of public charter schools. The
21 department of education shall notify the Code editor
22 upon receipt of such federal funds.""

23 15. Page 9, by striking lines 38 through 40.

24 16. By renumbering as necessary.

By BRUNKHORST of Bremer

BOAL of Polk

WISE of Lee

ROBERTS of Carroll

H-8397 FILED MARCH 20, 2002

Adopted
3/20/02 (P. 987)

SENATE FILE 348**H-8437**

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, lines 2 and 3, by striking the words
5 "The state board shall adopt" and inserting the
6 following: "However, if the state board receives ten
7 or fewer applications as of June 30, 2003, and two or
8 more of the applications received by the state board
9 by that date are submitted by one school district, the
10 state board may approve any or all of the applications
11 submitted by the school district. The state board
12 shall adopt".

By GRUNDBERG of Polk

H-8437 FILED MARCH 26, 2002

Adopted 3/26/02 (P. 989)

SENATE FILE 348

H-8424

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 18, by inserting after the word
5 "for" the following: "converting an existing building
6 or creating a new building for".

7 2. Page 2, line 48, by inserting after the figure
8 "256F.5." the following: "The application shall set
9 forth the manner in which the charter school will
10 comply with federal and state laws and regulations
11 relating to the federal National School Lunch Act and
12 the federal Child Nutrition Act of 1966, 42 U.S.C. §
13 1751-1785, and chapter 283A."

14 3. Page 3, line 11, by inserting after the word
15 "regulations." the following: "The state board shall
16 identify inconsistencies between federal and state
17 rules and regulations as provided in this subsection
18 and shall submit recommendations for legislative
19 action to the chairpersons and ranking members of the
20 senate and house standing committees on education at
21 the next meeting of the general assembly."

22 4. Page 5, line 20, by inserting after the word
23 "school." the following: "The membership of an
24 advisory council appointed or formed in accordance
25 with this chapter shall not include more than one
26 member of the school board."

By MASCHER of Johnson
BRUNKHORST of Bremer

H-8424 FILED MARCH 25, 2002

adopted
3/26/02 (p.985)

SENATE FILE 348

H-8426

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by inserting after line 23 the
5 following:

6 "k. Provide, at a minimum, health services, media
7 services programs, or guidance programs at a level
8 equivalent to those provided by the school district in
9 which the charter school is located."

10 2. By renumbering as necessary.

By WINCKLER of Scott

H-8426 FILED MARCH 25, 2002

lost
3/26/02
(p.991)

SENATE FILE 348

H-8427

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 7, line 29, by inserting after the word
5 "action." the following: "Final action to revoke a
6 contract shall be taken in a manner least disruptive
7 to students enrolled in the charter school."

By LENSING of Johnson

H-8427 FILED MARCH 25, 2002

Adapted
(3/26/02
p. 990)

SENATE FILE 348

H-8428

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 48, by inserting after the figure
5 "256F.5." the following: "In approving applications
6 submitted in accordance with this chapter, the state
7 board shall, to the extent possible, approve
8 applications in a manner that is balanced and
9 representative of schools located in school districts
10 with enrollments of one thousand one hundred ninety-
11 nine students or less, in school districts with
12 enrollments of more than one thousand one hundred
13 ninety-nine students but not more than four thousand
14 seven hundred fifty students, and in school districts
15 with enrollments of more than four thousand seven
16 hundred fifty students."

By GREIMANN of Story

H-8428 FILED MARCH 25, 2002

Foot
3/26/02
(p. 988)

SENATE FILE 348

H-8429

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 39, the
5 following:
6 "4A. "Pilot program" means a pilot program created
7 under this chapter that creates a new school within an
8 existing public school or converts an existing public
9 school to charter status in accordance with this
10 chapter."

11 2. By renumbering as necessary.

By COHOON of Des Moines

H-8429 FILED MARCH 25, 2002

Adapted
3/26/02
(p. 984)

SENATE FILE 348

H-8432

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 48, by inserting after the figure
5 "256F.5." the following: "The application shall set
6 forth the manner in which the charter school will
7 provide special instruction, in accordance with
8 section 280.4, to students who are limited English
9 proficient."

By BUKTA of Clinton

H-8432 FILED MARCH 25, 2002

Adopted
3/26/02 (P. 989)

SENATE FILE 348

H-8433

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 3, by inserting after the word
5 "parents" the following: "or guardians".

6 2. Page 2, line 11, by inserting after the word
7 "school" the following: "on the date of the
8 submission of the application".

9 3. Page 2, line 12, by inserting after the word
10 "parents" the following: "or guardians".

11 4. Page 2, line 13, by inserting after the word
12 "parents" the following: "or guardians".

13 5. Page 2, line 16, by inserting after the word
14 "board." the following: "A parent or guardian voting
15 in accordance with this subsection must be a resident
16 of this state."

17 6. Page 7, line 7, by striking the word "legal".

By MASCHER of Johnson

H-8433 FILED MARCH 25, 2002

Adopted
3/26/02
(P. 984)

SENATE FILE 348

H-8435

1 Amend the amendment, H-8206, to Senate File 348, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, lines 38 and 39, by striking the words
5 "affirm, modify, or reverse" and inserting the
6 following: "affirm or modify".

By MASCHER of Johnson

H-8435 FILED MARCH 26, 2002

Loat

3/26/02

(p. 987)

Legislative Fiscal Bureau

Fiscal Note

SF 348 as Amended by H-8206 - Charter Schools Bill (LSB 1838 SV)
Analyst: Shawn Snyder (Phone: (515) 281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version - SF 348 as Amended by H-8206

Description

Senate File 348 establishes a pilot charter school program in the State.

Assumptions

1. No change in enrollments in public school districts will result due to this Bill.
2. Ten school districts will apply to establish charter schools.
3. The United States Department of Education will approve (under their competitive grant process) \$50,000 in planning grants for each district that applied and \$25,000 for technical support to the Iowa Department of Education in FY 2003 (beginning October 1, 2002).
4. The United States Department of Education will approve (under their competitive grant process) \$150,000 in implementation grants per district and \$75,000 for technical support to the Iowa Department of Education in FY 2004 (beginning October 1, 2003).
5. The Iowa Department of Education will require a 0.5 FTE position in FY 2003 and 1.0 FTE in FY 2004 to complete a United States Department of Education application, develop school district application procedures and administrative rules, and other administrative duties.

Fiscal Impact

The estimated FY 2003 impact is an increase in State revenues from Federal Funds of \$525,000. However, \$25,000 will be required to fund salaries for the Department of Education and \$500,000 will be distributed to school districts for charter school planning grants.

The estimated FY 2004 impact is an increase in State revenues from Federal Funds of \$1,575,000. However, \$75,000 will be required to fund salaries and costs for the Department of Education and \$1,500,000 will be distributed to school districts for charter school implementation grants.

<u>Source of Funds</u>	<u>FY 2003</u>	<u>FY 2004</u>
Revenues		
Federal Funds	\$ 525,000	\$ 1,575,000
Expenditures		
Department Salaries	\$ 25,000	\$ 75,000
School Districts	500,000	1,500,000
Total Expenditures	<u>\$ 525,000</u>	<u>\$ 1,575,000</u>
Net Impact	<u>\$ 0</u>	<u>\$ 0</u>

Source

Department of Education

/s/ Dennis C Prouty

March 25, 2002

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

HOUSE AMENDMENT TO
SENATE FILE 348

S-5259

1 Amend Senate File 348, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 256F.1 AUTHORIZATION
6 AND PURPOSE.

7 1. Charter schools shall be part of the state's
8 program of public education.

9 2. A charter school may be established by creating
10 a new school within an existing public school or
11 converting an existing public school to charter
12 status.

13 3. The purpose of a charter school established
14 pursuant to this chapter shall be to accomplish the
15 following:

16 a. Improve student learning.

17 b. Increase learning opportunities for students.

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

20 d. Require the measurement of learning outcomes
21 and create different and innovative forms of measuring
22 outcomes.

23 e. Establish new forms of accountability for
24 schools.

25 f. Create new professional opportunities for
26 teachers and other educators, including the
27 opportunity to be responsible for the learning program
28 at the school site.

29 Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.

30 1. "Advisory council" means a council appointed by
31 the school board of directors of a charter school
32 pursuant to section 256F.5, subsection 4.

33 2. "Attendance center" means a public school
34 building that contains classrooms used for
35 instructional purposes for elementary, middle, or
36 secondary school students.

37 3. "Charter school" means a state public charter
38 school operated as a pilot program.

39 4. "Department" means the department of education.

40 4A. "Pilot program" means a pilot program created
41 under this chapter that creates a new school within an
42 existing public school or converts an existing public
43 school to charter status in accordance with this
44 chapter.

45 5. "School board" means a board of directors
46 regularly elected by the registered voters of a school
47 district.

48 6. "State board" means the state board of
49 education.

50 Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM --

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Page 2

1 APPLICATION.

2 1. Commencing with the school year beginning July
3 1, 2002, the state board of education shall initiate a
4 pilot program to test the effectiveness of charter
5 schools.

6 2. To receive approval to establish a charter
7 school in accordance with this chapter, the principal,
8 teachers, or parents or guardians of students at an
9 existing public school shall submit an application to
10 the school board to convert an existing attendance
11 center to a charter school. An attendance center
12 shall not enter into a charter school contract with a
13 school district under this chapter unless the
14 attendance center is located within the school
15 district. The application shall demonstrate the
16 support of at least fifty percent of the teachers
17 employed at the school on the date of the submission
18 of the application and fifty percent of the parents or
19 guardians voting whose children are enrolled at the
20 school, provided that a majority of the parents or
21 guardians eligible to vote participate in the ballot
22 process, according to procedures established by rules
23 of the state board. A parent or guardian voting in
24 accordance with this subsection must be a resident of
25 this state.

26 3. A school board shall receive and review all
27 applications for converting an existing building or
28 creating a new building for a charter school.
29 Applications received on or before October 1 of a
30 calendar year shall be considered for charter schools
31 to be established at the beginning of the school
32 district's next school year or at a time agreed to by
33 the applicant and the school board. However, a school
34 board may receive and consider applications after
35 October 1 at its discretion.

36 4. A school board shall by a majority vote approve
37 or deny an application no later than sixty calendar
38 days after the application is received. An
39 application approved by a school board and
40 subsequently approved by the state board pursuant to
41 subsection 6 shall constitute, at a minimum, an
42 agreement between the school board and the charter
43 school for the operation of the charter school. A
44 school board that denies an application for a
45 conversion to a charter school shall provide notice of
46 denial to the applicant in writing within thirty days
47 after board action. The notice shall specify the
48 exact reasons for denial and provide documentation
49 supporting those reasons.

50 5. An applicant may appeal school board denial of

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1 the applicant's charter school application to the
2 state board in accordance with the procedures set
3 forth in chapter 290. The state board shall affirm,
4 modify, or reverse the school board's decision on the
5 basis of the information provided in the application
6 indicating the ability and willingness of the proposed
7 charter school to meet the requirements of section
8 256F.1, subsection 3, and section 256F.4.

9 6. Upon approval of an application for the
10 proposed establishment of a charter school, the school
11 board shall submit an application for approval to
12 establish the charter school to the state board in
13 accordance with section 256F.5. The application shall
14 set forth the manner in which the charter school will
15 provide special instruction, in accordance with
16 section 280.4, to students who are limited English
17 proficient. The application shall set forth the
18 manner in which the charter school will comply with
19 federal and state laws and regulations relating to the
20 federal National School Lunch Act and the federal
21 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785,
22 and chapter 283A. The state board shall approve only
23 those applications that meet the requirements
24 specified in section 256F.1, subsection 3, and
25 sections 256F.4 and 256F.5. The state board may deny
26 an application if the state board deems that approval
27 of the application is not in the best interest of the
28 affected students. The state board shall approve not
29 more than ten charter school applications. The state
30 board shall approve not more than one charter school
31 application per school district. However, if the
32 state board receives ten or fewer applications as of
33 June 30, 2003, and two or more of the applications
34 received by the state board by that date are submitted
35 by one school district, the state board may approve
36 any or all of the applications submitted by the school
37 district. The state board shall adopt rules in
38 accordance with chapter 17A for the implementation of
39 this chapter.

40 7. If federal rules or regulations relating to the
41 distribution or utilization of federal funds allocated
42 to the department pursuant to this section are adopted
43 that are inconsistent with the provisions of this
44 chapter, the state board shall adopt rules to comply
45 with the requirements of the federal rules or
46 regulations. The state board shall identify
47 inconsistencies between federal and state rules and
48 regulations as provided in this subsection and shall
49 submit recommendations for legislative action to the
50 chairpersons and ranking members of the senate and

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1 house standing committees on education at the next
2 meeting of the general assembly.

3 Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING
4 REQUIREMENTS.

5 1. Within fifteen days after approval of a charter
6 school application submitted in accordance with
7 section 256F.3, subsection 2, a school board shall
8 report to the department the name of the charter
9 school applicant entry, the proposed charter school
10 location, and its projected enrollment.

11 2. Although a charter school may elect to comply
12 with one or more provisions of statute or
13 administrative rule, a charter school is exempt from
14 all statutes and rules applicable to a school, a
15 school board, or a school district, except that the
16 charter school shall do all of the following:

17 a. Meet all applicable federal, state, and local
18 health and safety requirements and laws prohibiting
19 discrimination on the basis of race, creed, color,
20 sex, national origin, religion, ancestry, or
21 disability. A charter school shall be subject to any
22 court-ordered desegregation plan in effect for the
23 school district at the time the school's charter
24 application is approved.

25 b. Operate as a nonsectarian, nonreligious public
26 school.

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

30 d. Be subject to and comply with chapters 216 and
31 216A relating to civil and human rights.

32 e. Provide special education services in
33 accordance with chapter 256B.

34 f. Be subject to the same financial audits, audit
35 procedures, and audit requirements as a school
36 district. The audit shall be consistent with the
37 requirements of sections 11.6, 11.14, 11.19, 256.9,
38 subsection 19, and section 279.29, except to the
39 extent deviations are necessary because of the program
40 at the school. The department, the auditor of state,
41 or the legislative fiscal bureau may conduct
42 financial, program, or compliance audits.

43 g. Be subject to and comply with chapter 284
44 relating to the student achievement and teacher
45 quality program. A charter school that complies with
46 chapter 284 shall receive state moneys or be eligible
47 to receive state moneys as provided in chapter 284 as
48 if it did not operate under a charter.

49 h. Be subject to and comply with chapters 20 and
50 279 relating to contracts with and discharge of

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1 teachers and administrators.

2 i. Be subject to and comply with the provisions of
3 chapter 285 relating to the transportation of
4 students.

5 j. Meetings of the advisory council are subject to
6 the provisions of chapters 21 and 22.

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

17 4. A charter school shall enroll an eligible
18 resident student who submits a timely application
19 unless the number of applications exceeds the capacity
20 of a program, class, grade level, or building. In
21 this case, students must be accepted by lot. A
22 charter school may enroll an eligible nonresident
23 student who submits a timely application in accordance
24 with the student admission policy established pursuant
25 to section 256F.5, subsection 1. If the charter
26 school enrolls an eligible nonresident student, the
27 charter school shall notify the school district and
28 the sending district not later than March 1 of the
29 preceding school year. Transportation for the student
30 shall be in accordance with section 282.18, subsection
31 10. The sending district shall make payments to the
32 charter school in the manner required under section
33 282.18, subsection 7.

34 5. A charter school shall provide instruction for
35 at least the number of days required by section
36 279.10, subsection 1, or shall provide at least the
37 equivalent number of total hours.

38 6. Notwithstanding subsection 2, a charter school
39 shall meet the requirements of section 256.7,
40 subsection 21.

41 7. A charter school shall be considered a part of
42 the school district in which it is located for
43 purposes of state school foundation aid pursuant to
44 chapter 257.

45 8. A charter school may enter into contracts in
46 accordance with chapter 73A.

47 Sec. 5. NEW SECTION. 256F.5 APPLICATION --
48 DEFINITION.

49 An application to the state board for the approval
50 of a charter school shall include, but shall not be

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1 limited to, a description of the following:

2 1. The method for admission to the charter school.

3 2. The mission, purpose, innovation, and

4 specialized focus of the charter school.

5 3. Performance goals and objectives in addition to

6 those required under section 256.7, subsection 21, by

7 which the school's student achievement shall be

8 judged, the measures to be used to assess progress,

9 and the current baseline status with respect to the

10 goals.

11 4. The method for appointing or forming an

12 advisory council for the charter school. The

13 membership of an advisory council appointed or formed

14 in accordance with this chapter shall not include more

15 than one member of the school board.

16 5. Procedures for teacher evaluation and

17 professional development for teachers and

18 administrators.

19 6. The charter school governance and bylaws.

20 7. The financial plan for the operation of the

21 school including, at a minimum, a listing of the

22 support services the school district will provide, and

23 the charter school's revenues, budgets, and

24 expenditures.

25 8. The educational program and curriculum,

26 instructional methodology, and services to be offered

27 to students.

28 9. The number and qualifications of teachers and

29 administrators to be employed.

30 10. The organization of the school in terms of

31 ages of students or grades to be taught along with an

32 estimate of the total enrollment of the school.

33 11. The provision of school facilities.

34 12. A statement indicating how the charter school

35 will meet the requirements of section 256F.1,

36 subsection 3; section 256F.4, subsection 2, paragraph

37 "a"; and section 256F.4, subsection 3.

38 13. Assurance of the assumption of liability by

39 the charter school.

40 14. The types and amounts of insurance coverage to

41 be obtained by the charter school.

42 15. A plan of operation to be implemented if the

43 charter school revokes or fails to renew its contract.

44 16. The means, costs, and plan for providing

45 transportation for students attending the charter

46 school.

47 17. The specific statutes, administrative rules,

48 and school board policies with which the charter

49 school does not intend to comply.

50 Sec. 6. NEW SECTION. 256F.6 CONTRACT.

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

15 2. The contract shall outline the reasons for
16 revocation or nonrenewal of the charter.

17 3. The state board of education shall provide by
18 rule for the ongoing review of a school board's
19 compliance with a contract entered into in accordance
20 with this chapter.

21 Sec. 7. NEW SECTION. 256F.7 EMPLOYMENT AND
22 RELATED MATTERS.

23 1. A charter school shall employ or contract with
24 necessary teachers and administrators, as defined in
25 section 272.1, who hold a valid license with an
26 endorsement for the type of service for which the
27 teacher or administrator is employed.

28 2. The school board, in consultation with the
29 advisory council, shall decide matters related to the
30 operation of the school, including budgeting,
31 curriculum, and operating procedures.

32 3. Employees of a charter school shall be
33 considered employees of the school district.

34 Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR
35 REVOCATION OR NONRENEWAL OF CONTRACT.

36 1. A contract for the establishment of a charter
37 school may be revoked by the state board or the school
38 board that established the charter school if the
39 appropriate board determines that one or more of the
40 following occurred:

41 a. Failure of the charter school to abide by and
42 meet the provisions set forth in the contract,
43 including educational goals.

44 b. Failure of the charter school to comply with
45 all applicable law.

46 c. Failure of the charter school to meet generally
47 accepted public sector accounting principles.

48 d. The existence of one or more other grounds for
49 revocation as specified in the contract.

50 2. The decision by a school board to revoke or to

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1 fail to take action to renew a charter school contract
2 is subject to appeal under procedures set forth in
3 chapter 290.

4 3. A school board considering revocation or
5 nonrenewal of a charter school contract shall notify
6 the advisory council, the parents or guardians of the
7 students enrolled in the charter school, and the
8 teachers and administrators employed by the charter
9 school, sixty days prior to revoking or the date by
10 which the contract must be renewed, but not later than
11 the last day of classes in the school year.

12 4. If the state board determines that a charter
13 school is in substantial violation of the terms of the
14 contract, the state board shall notify the school
15 board and the advisory council of its intention to
16 revoke the contract at least sixty days prior to
17 revoking a contract and the school board shall assume
18 oversight authority, operational authority, or both
19 oversight and operational authority. The notice shall
20 state the grounds for the proposed action in writing
21 and in reasonable detail. The school board may
22 request in writing an informal hearing before the
23 state board within fourteen days of receiving notice
24 of revocation of the contract. Upon receiving a
25 timely written request for a hearing, the state board
26 shall give reasonable notice to the school board of
27 the hearing date. The state board shall conduct an
28 informal hearing before taking final action. Final
29 action to revoke a contract shall be taken in a manner
30 least disruptive to students enrolled in the charter
31 school. The state board shall take final action to
32 revoke or approve continuation of a contract by the
33 last day of classes in the school year. If the final
34 action to revoke a contract under this section occurs
35 prior to the last day of classes in the school year, a
36 charter school student may enroll in the resident
37 district.

38 5. The decision of the state board to revoke a
39 contract under this section is solely within the
40 discretion of the state board and is final.

41 6. A school board revoking a contract or a school
42 board or advisory council that fails to renew a
43 contract under this chapter is not liable for that
44 action to the charter school, a student enrolled in
45 the charter school or the student's parent or
46 guardian, or any other person.

47 7. In the case of a revocation or a nonrenewal of
48 the charter, the school board is exempt from the state
49 board's "Barker guidelines", as provided in 1 D.P.I.
50 App. Dec. 145 (1977).

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1 Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER
2 REVOCATION -- STUDENT ENROLLMENT.

3 If a charter school contract is revoked in
4 accordance with this chapter, a nonresident student
5 who attended the school, and any siblings of the
6 student, shall be determined to have shown good cause
7 as provided in section 282.18, subsection 16, and may
8 submit an application to another school district
9 according to section 282.18 at any time. Applications
10 and notices required by section 282.18 shall be
11 processed and provided in a prompt manner. The
12 application and notice deadlines in section 282.18 do
13 not apply to a nonresident student application under
14 these circumstances.

15 Sec. 10. NEW SECTION. 256F.10 REPORTS.

16 1. A charter school shall report at least annually
17 to the school board, advisory council, and the state
18 board the information required by the school board,
19 advisory council, or the state board. The reports are
20 public records subject to chapter 22.

21 2. Not later than December 1, 2003, and annually
22 thereafter, the state board shall submit a
23 comprehensive report, with findings and
24 recommendations, to the senate and house standing
25 committees on education. The report shall evaluate
26 the state's charter school programs generally,
27 including but not limited to, an evaluation of whether
28 the pilot programs are fulfilling the purposes set
29 forth in section 256F.4, subsection 2. The report
30 also shall contain, for each charter school, a copy of
31 the charter school's mission statement, attendance
32 statistics and dropout rate, aggregate assessment test
33 scores, projections of financial stability, the number
34 and qualifications of teachers and administrators, and
35 number of and comments on supervisory visits by the
36 department of education.

37 Sec. 11. NEW SECTION. 256F.11 FUTURE REPEAL.

38 This chapter is repealed effective July 1, 2010.

39 Sec. 12. Section 257.31, subsection 5, paragraph
40 d, is amended to read as follows:

41 d. The closing of a nonpublic school, wholly or in
42 part, or the opening or closing of a pilot charter
43 school.

44 Sec. 13. Section 282.18, subsection 16, Code 2001,
45 is amended to read as follows:

46 16. For purposes of this section, "good cause"
47 means a change in a child's residence due to a change
48 in family residence, a change in the state in which
49 the family residence is located, a change in a child's
50 parents' marital status, a guardianship proceeding,

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

23 Sec. 14. EXPEDITED APPLICATION PROCEDURE. The
24 state board of education shall develop an expedited
25 charter school application procedure for the fiscal
26 year beginning July 1, 2003, for purposes of receiving
27 federal planning funds issued pursuant to the federal
28 Elementary and Secondary Education Act of 1965, Title
29 X, Part C, as codified in 20 U.S.C. §§ 8061-8067.

30 Sec. 15. EMERGENCY RULES. The state board of
31 education may adopt emergency rules under section
32 17A.4, subsection 2, and section 17A.5, subsection 2,
33 paragraph "b", to implement this Act and the rules
34 shall be effective immediately upon filing unless a
35 later date is specified in the rules. Any rules
36 adopted in accordance with this section shall also be
37 published as a notice of intended action as provided
38 in section 17A.4.

39 Sec. 16. CONDITIONAL EFFECTIVENESS. This Act
40 takes effect upon the department of education's
41 receipt of federal funds that are provided to the
42 department under Pub. L. No. 107-110, cited as the
43 federal No Child Left Behind Act of 2001 (Title V,
44 Part B), for purposes of providing financial
45 assistance for the planning, program design, and
46 initial implementation of public charter schools. The
47 department of education shall notify the Code editor
48 upon receipt of such federal funds."

RECEIVED FROM THE HOUSE

S-5259 FILED MARCH 26, 2002

Senate Council

4-9-02

(P, 1037)

SENATE FILE 348

S-5285

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, line 13, by inserting after the figure
5 "256F.5." the following: "In approving applications
6 submitted in accordance with this chapter, the state
7 board shall, to the extent possible, approve
8 applications in a manner that is balanced and
9 representative of schools located in school districts
10 with enrollments of one thousand one hundred ninety-
11 nine students or less, in school districts with
12 enrollments of more than one thousand one hundred
13 ninety-nine students but not more than four thousand
14 seven hundred fifty students, and in school districts
15 with enrollments of more than four thousand seven
16 hundred fifty students."

By PATRICIA HARPER

S-5285 FILED APRIL 1, 2002

dot
4.9.02 (P. 1037)

SENATE FILE 348

S-5286

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 3, line 13, by inserting after the figure
5 "256F.5." the following: "The application shall set
6 forth the manner in which the charter school will
7 provide special instruction, in accordance with
8 section 280.4, to students who are limited English
9 proficient."

By PATRICIA HARPER

S-5286 FILED APRIL 1, 2002

W/19
4/9/02 (P. 1037)

SENATE FILE 348

S-5287

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 5, by inserting after line 6 the
5 following:
6 "k. Provide, at a minimum, health services, media
7 services programs, or guidance programs at a level
8 equivalent to those provided by the school district in
9 which the charter school is located."

By PATRICIA HARPER

S-5287 FILED APRIL 1, 2002

dot
4/9/02
(P. 1037)

SENATE FILE 348**S-5288**

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 8, line 28, by inserting after the word
5 "action." the following: "Final action to revoke a
6 contract shall be taken in a manner least disruptive
7 to students enrolled in the charter school."

By PATRICIA HARPER

S-5288 FILED APRIL 1, 2002

W/10
4-9-02 (P.1037)

SENATE FILE 348**S-5289**

1 Amend the House amendment, S-5259, to Senate File
2 348, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 3, lines 3 and 4, by striking the words
5 "affirm, modify, or reverse" and inserting the
6 following: "affirm or modify".

By PATRICIA HARPER

S-5289 FILED APRIL 1, 2002

Lost
4-9-02
(P.1036)

SENATE FILE 348

AN ACT

RELATING TO THE ESTABLISHMENT OF IOWA CHARTER SCHOOLS AND
PROVIDING FOR A CONDITIONAL EFFECTIVE DATE.

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

Section 1. NEW SECTION. 256F.1 AUTHORIZATION AND
PURPOSE.

1. Charter schools shall be part of the state's program of public education.
2. A charter school may be established by creating a new school within an existing public school or converting an existing public school to charter status.
3. The purpose of a charter school established pursuant to this chapter shall be to accomplish the following:
 - a. Improve student learning.
 - b. Increase learning opportunities for students.
 - c. Encourage the use of different and innovative methods of teaching.
 - d. Require the measurement of learning outcomes and create different and innovative forms of measuring outcomes.
 - e. Establish new forms of accountability for schools.
 - f. Create new professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

Sec. 2. NEW SECTION. 256F.2 DEFINITIONS.

1. "Advisory council" means a council appointed by the school board of directors of a charter school pursuant to section 256F.5, subsection 4.

2. "Attendance center" means a public school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

3. "Charter school" means a state public charter school operated as a pilot program.

4. "Department" means the department of education.

4A. "Pilot program" means a pilot program created under this chapter that creates a new school within an existing public school or converts an existing public school to charter status in accordance with this chapter.

5. "School board" means a board of directors regularly elected by the registered voters of a school district.

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

Sec. 3. NEW SECTION. 256F.3 PILOT PROGRAM --
APPLICATION.

1. Commencing with the school year beginning July 1, 2002, the state board of education shall initiate a pilot program to test the effectiveness of charter schools.

2. To receive approval to establish a charter school in accordance with this chapter, the principal, teachers, or parents or guardians of students at an existing public school shall submit an application to the school board to convert an existing attendance center to a charter school. An attendance center shall not enter into a charter school contract with a school district under this chapter unless the attendance center is located within the school district. The application shall demonstrate the support of at least fifty percent of the teachers employed at the school on the date of the submission of the application and fifty percent of the parents or guardians voting whose children are enrolled at the school, provided that a majority of the parents or guardians eligible to vote participate in the ballot process, according to procedures established by rules of the state board. A parent or guardian voting in accordance with this subsection must be a resident of this state.

3. A school board shall receive and review all applications for converting an existing building or creating a new building for a charter school. Applications received on or before October 1 of a calendar year shall be considered for charter schools to be established at the beginning of the school district's next school year or at a time agreed to by the applicant and the school board. However, a school board may receive and consider applications after October 1 at its discretion.

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

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

6. Upon approval of an application for the proposed establishment of a charter school, the school board shall submit an application for approval to establish the charter school to the state board in accordance with section 256F.5. The application shall set forth the manner in which the charter school will provide special instruction, in accordance with section 280.4, to students who are limited English proficient. The application shall set forth the manner in

which the charter school will comply with federal and state laws and regulations relating to the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, and chapter 283A. The state board shall approve only those applications that meet the requirements specified in section 256F.1, subsection 3, and sections 256F.4 and 256F.5. The state board may deny an application if the state board deems that approval of the application is not in the best interest of the affected students. The state board shall approve not more than ten charter school applications. The state board shall approve not more than one charter school application per school district. However, if the state board receives ten or fewer applications as of June 30, 2003, and two or more of the applications received by the state board by that date are submitted by one school district, the state board may approve any or all of the applications submitted by the school district. The state board shall adopt rules in accordance with chapter 17A for the implementation of this chapter.

7. If federal rules or regulations relating to the distribution or utilization of federal funds allocated to the department pursuant to this section are adopted that are inconsistent with the provisions of this chapter, the state board shall adopt rules to comply with the requirements of the federal rules or regulations. The state board shall identify inconsistencies between federal and state rules and regulations as provided in this subsection and shall submit recommendations for legislative action to the chairpersons and ranking members of the senate and house standing committees on education at the next meeting of the general assembly.

Sec. 4. NEW SECTION. 256F.4 GENERAL OPERATING REQUIREMENTS.

1. Within fifteen days after approval of a charter school application submitted in accordance with section 256F.3, subsection 2, a school board shall report to the department the name of the charter school applicant entry, the proposed charter school location, and its projected enrollment.

2. Although a charter school may elect to comply with one or more provisions of statute or administrative rule, a charter school is exempt from all statutes and rules applicable to a school, a school board, or a school district, except that the charter school shall do all of the following:

a. Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, national origin, religion, ancestry, or disability. A charter school shall be subject to any court-ordered desegregation plan in effect for the school district at the time the school's charter application is approved.

b. Operate as a nonsectarian, nonreligious public school.

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

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

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

f. Be subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit shall be consistent with the requirements of sections 11.6, 11.14, 11.19, 256.9, subsection 19, and section 279.29, except to the extent deviations are necessary because of the program at the school. The department, the auditor of state, or the legislative fiscal bureau may conduct financial, program, or compliance audits.

g. Be subject to and comply with chapter 284 relating to the student achievement and teacher quality program. A charter school that complies with chapter 284 shall receive state moneys or be eligible to receive state moneys as provided in chapter 284 as if it did not operate under a charter.

h. Be subject to and comply with chapters 20 and 279 relating to contracts with and discharge of teachers and administrators.

i. Be subject to and comply with the provisions of chapter 285 relating to the transportation of students.

j. Meetings of the advisory council are subject to the provisions of chapters 21 and 22.

3. A charter school shall not discriminate in its student admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, or status as a person with a disability. However, a charter school may limit admission to students who are within a particular range of age or grade level or on any other basis that would be legal if initiated by a school district. Enrollment priority shall be given to the siblings of students enrolled in a charter school.

4. A charter school shall enroll an eligible resident student who submits a timely application unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students must be accepted by lot. A charter school may enroll an eligible nonresident student who submits a timely application in accordance with the student admission policy established pursuant to section 256F.5, subsection 1. If the charter school enrolls an eligible nonresident student, the charter school shall notify the school district and the sending district not later than March 1 of the preceding school year. Transportation for the student shall be in accordance with section 282.18, subsection 10. The sending district shall make payments to the charter school in the manner required under section 282.18, subsection 7.

5. A charter school shall provide instruction for at least the number of days required by section 279.10, subsection 1, or shall provide at least the equivalent number of total hours.

6. Notwithstanding subsection 2, a charter school shall meet the requirements of section 256.7, subsection 21.

7. A charter school shall be considered a part of the school district in which it is located for purposes of state school foundation aid pursuant to chapter 257.

8. A charter school may enter into contracts in accordance with chapter 73A.

Sec. 5. NEW SECTION. 256F.5 APPLICATION -- DEFINITION.

An application to the state board for the approval of a charter school shall include, but shall not be limited to, a description of the following:

1. The method for admission to the charter school.
2. The mission, purpose, innovation, and specialized focus of the charter school.
3. Performance goals and objectives in addition to those required under section 256.7, subsection 21, by which the school's student achievement shall be judged, the measures to be used to assess progress, and the current baseline status with respect to the goals.
4. The method for appointing or forming an advisory council for the charter school. The membership of an advisory council appointed or formed in accordance with this chapter shall not include more than one member of the school board.
5. Procedures for teacher evaluation and professional development for teachers and administrators.
6. The charter school governance and bylaws.
7. The financial plan for the operation of the school including, at a minimum, a listing of the support services the school district will provide, and the charter school's revenues, budgets, and expenditures.
8. The educational program and curriculum, instructional methodology, and services to be offered to students.
9. The number and qualifications of teachers and administrators to be employed.
10. The organization of the school in terms of ages of students or grades to be taught along with an estimate of the total enrollment of the school.
11. The provision of school facilities.
12. A statement indicating how the charter school will meet the requirements of section 256F.1, subsection 3; section 256F.4, subsection 2, paragraph "a"; and section 256F.4, subsection 3.

13. Assurance of the assumption of liability by the charter school.

14. The types and amounts of insurance coverage to be obtained by the charter school.

15. A plan of operation to be implemented if the charter school revokes or fails to renew its contract.

16. The means, costs, and plan for providing transportation for students attending the charter school.

17. The specific statutes, administrative rules, and school board policies with which the charter school does not intend to comply.

Sec. 6. NEW SECTION. 256F.6 CONTRACT.

1. An approved charter school application shall constitute an agreement, the terms of which shall, at a minimum, be the terms of a four-year enforceable, renewable contract between the school board and the state board. The contract shall include an operating agreement for the operation of the charter school. The terms of the contract may be revised at any time with the approval of both the state board and the school board, whether or not the stated provisions of the contract are being fulfilled. The charter school shall provide parents and guardians of students enrolled in the charter school with a copy of the charter school application approved pursuant to section 256F.5.

2. The contract shall outline the reasons for revocation or nonrenewal of the charter.

3. The state board of education shall provide by rule for the ongoing review of a school board's compliance with a contract entered into in accordance with this chapter.

Sec. 7. NEW SECTION. 256F.7 EMPLOYMENT AND RELATED MATTERS.

1. A charter school shall employ or contract with necessary teachers and administrators, as defined in section 272.1, who hold a valid license with an endorsement for the type of service for which the teacher or administrator is employed.

2. The school board, in consultation with the advisory council, shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures.

3. Employees of a charter school shall be considered employees of the school district.

Sec. 8. NEW SECTION. 256F.8 PROCEDURES FOR REVOCATION OR NONRENEWAL OF CONTRACT.

1. A contract for the establishment of a charter school may be revoked by the state board or the school board that established the charter school if the appropriate board determines that one or more of the following occurred:

a. Failure of the charter school to abide by and meet the provisions set forth in the contract, including educational goals.

b. Failure of the charter school to comply with all applicable law.

c. Failure of the charter school to meet generally accepted public sector accounting principles.

d. The existence of one or more other grounds for revocation as specified in the contract.

2. The decision by a school board to revoke or to fail to take action to renew a charter school contract is subject to appeal under procedures set forth in chapter 290.

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

4. If the state board determines that a charter school is in substantial violation of the terms of the contract, the state board shall notify the school board and the advisory council of its intention to revoke the contract at least sixty days prior to revoking a contract and the school board shall assume oversight authority, operational authority, or both

oversight and operational authority. The notice shall state the grounds for the proposed action in writing and in reasonable detail. The school board may request in writing an informal hearing before the state board within fourteen days of receiving notice of revocation of the contract. Upon receiving a timely written request for a hearing, the state board shall give reasonable notice to the school board of the hearing date. The state board shall conduct an informal hearing before taking final action. Final action to revoke a contract shall be taken in a manner least disruptive to students enrolled in the charter school. The state board shall take final action to revoke or approve continuation of a contract by the last day of classes in the school year. If the final action to revoke a contract under this section occurs prior to the last day of classes in the school year, a charter school student may enroll in the resident district.

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

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

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

Sec. 9. NEW SECTION. 256F.9 PROCEDURES AFTER REVOCATION -- STUDENT ENROLLMENT.

If a charter school contract is revoked in accordance with this chapter, a nonresident student who attended the school, and any siblings of the student, shall be determined to have shown good cause as provided in section 282.18, subsection 16, and may submit an application to another school district according to section 282.18 at any time. Applications and notices required by section 282.18 shall be processed and

provided in a prompt manner. The application and notice deadlines in section 282.18 do not apply to a nonresident student application under these circumstances.

Sec. 10. NEW SECTION. 256F.10 REPORTS.

1. A charter school shall report at least annually to the school board, advisory council, and the state board the information required by the school board, advisory council, or the state board. The reports are public records subject to chapter 22.

2. Not later than December 1, 2003, and annually thereafter, the state board shall submit a comprehensive report, with findings and recommendations, to the senate and house standing committees on education. The report shall evaluate the state's charter school programs generally, including but not limited to, an evaluation of whether the pilot programs are fulfilling the purposes set forth in section 256F.4, subsection 2. The report also shall contain, for each charter school, a copy of the charter school's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, the number and qualifications of teachers and administrators, and number of and comments on supervisory visits by the department of education.

Sec. 11. NEW SECTION. 256F.11 FUTURE REPEAL.

This chapter is repealed effective July 1, 2010.

Sec. 12. Section 257.31, subsection 5, paragraph d, is amended to read as follows:

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

Sec. 13. Section 282.18, subsection 16, Code 2001, is amended to read as follows:

16. For purposes of this section, "good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation

in a substance abuse or mental health treatment program, or a similar set of circumstances consistent with the definition of good cause; a change in the status of a child's resident district, such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole-grade sharing, reorganization, dissolution agreement or the rejection of a current whole-grade sharing agreement, or reorganization plan, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

Sec. 14. EXPEDITED APPLICATION PROCEDURE. The state board of education shall develop an expedited charter school application procedure for the fiscal year beginning July 1, 2003, for purposes of receiving federal planning funds issued pursuant to the federal Elementary and Secondary Education Act of 1965, Title X, Part C, as codified in 20 U.S.C. §§ 8061-8067.

Sec. 15. EMERGENCY RULES. The state board of education may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 16. CONDITIONAL EFFECTIVENESS. This Act takes effect upon the department of education's receipt of federal funds that are provided to the department under Pub. L. No. 107-110, cited as the federal No Child Left Behind Act of 2001 (Title V, Part B), for purposes of providing financial assistance for

the planning, program design, and initial implementation of public charter schools. The department of education shall notify the Code editor upon receipt of such federal funds.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 348, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/23, 2002

THOMAS J. VILSACK
Governor