

JAN 24 2006  
EDUCATION

HOUSE FILE 2109  
BY WISE, CARROLL, and TYMESON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act authorizing community colleges and state universities to  
2 seek approval to establish charter magnet schools and  
3 increasing the number of charter schools that may be approved.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2109

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

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

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

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

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

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

20 Sec. 4. Section 256F.3, subsection 6, Code 2005, is  
21 amended to read as follows:

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

26 The

27 6A. A public postsecondary institution may apply to the  
28 state board for approval to establish a junior-senior high or  
29 a senior high charter magnet school. The application  
30 submitted by a public postsecondary institution shall meet the  
31 requirements of subsection 6B. In addition to the purposes  
32 set forth in section 256F.1, subsection 3, a charter magnet  
33 school shall provide students who are enrolled in the charter  
34 magnet school with a rigorous educational program with a  
35 specialized focus that will prepare students to attain a

1 postsecondary degree. The specialized focus of the  
2 educational program shall include at least one or more of the  
3 following subject areas:

4 a. Science.

5 b. Mathematics.

6 c. Engineering.

7 d. Computer science.

8 e. Biotechnology.

9 f. International studies, emphasizing foreign languages,  
10 social sciences, and communications.

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

35 Sec. 5. Section 256F.4, subsection 4, Code 2005, is

1 amended to read as follows:

2 4. A charter school shall enroll an eligible resident  
3 student who submits a timely application unless the number of  
4 applications exceeds the capacity of a program, class, grade  
5 level, or building. In this case, students must be accepted  
6 by lot. A charter school may enroll an eligible nonresident  
7 student who submits a timely application in accordance with  
8 the student admission policy established pursuant to section  
9 256F.5, subsection 1.

10 a. If the charter school enrolls an eligible nonresident  
11 student, the charter school shall notify the school district  
12 and, if applicable, the sending district not later than March  
13 1 of the preceding school year. Transportation for the  
14 student shall be in accordance with section 282.18, subsection  
15 10, except as provided in paragraph "b". The sending district  
16 shall make payments to the charter school in the manner  
17 required under section 282.18, subsection 7.

18 b. Transportation to and from a charter magnet school for  
19 a student attending the charter magnet school shall be  
20 provided by the parent or guardian without reimbursement.  
21 However, if the student meets the economic eligibility  
22 requirements established by the department and state board of  
23 education, the charter magnet school is responsible for  
24 providing transportation or paying the pro rata cost of the  
25 transportation to a parent or guardian for transporting the  
26 pupil to and from the charter magnet school.

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

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

35 Sec. 7. Section 256F.6, subsections 1 and 3, Code 2005,

1 are amended to read as follows:

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

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

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

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

27 3. Employees of a charter school shall be considered  
28 employees of the school district, or if the charter school is  
29 established pursuant to section 256F.3, subsection 6A, the  
30 public postsecondary institution.

31 Sec. 9. Section 256F.8, subsection 1, unnumbered paragraph  
32 1, Code 2005, is amended to read as follows:

33 A contract for the establishment of a charter school may be  
34 revoked by the state board or the school board or public  
35 postsecondary institution that established the charter school

1 if the appropriate board determines that one or more of the  
2 following occurred:

3 Sec. 10. Section 256F.8, subsections 2, 3, 4, 6, and 7,  
4 Code 2005, are amended to read as follows:

5 2. The decision by a school board or public postsecondary  
6 institution to revoke or to fail to take action to renew a  
7 charter school contract is subject to appeal under procedures  
8 set forth in chapter 290.

9 3. A school board or public postsecondary institution  
10 considering revocation or nonrenewal of a charter school  
11 contract shall notify the advisory council, the parents or  
12 guardians of the students enrolled in the charter school, and  
13 the teachers and administrators 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 4. If the state board determines that a charter school is  
18 in substantial violation of the terms of the contract, the  
19 state board shall notify the school board or the public  
20 postsecondary institution and the advisory council of its  
21 intention to revoke the contract at least sixty days prior to  
22 revoking a contract and the school board or the public  
23 postsecondary institution shall assume oversight authority,  
24 operational authority, or both oversight and operational  
25 authority. The notice shall state the grounds for the  
26 proposed action in writing and in reasonable detail. The  
27 school board or the public postsecondary institution may  
28 request in writing an informal hearing before the state board  
29 within fourteen days of receiving notice of revocation of the  
30 contract. Upon receiving a timely written request for a  
31 hearing, the state board shall give reasonable notice to the  
32 school board or the public postsecondary institution of the  
33 hearing date. The state board shall conduct an informal  
34 hearing before taking final action. Final action to revoke a  
35 contract shall be taken in a manner least disruptive to

1 students enrolled in the charter school. The state board  
2 shall take final action to revoke or approve continuation of a  
3 contract by the last day of classes in the school year. If  
4 the final action to revoke a contract under this section  
5 occurs prior to the last day of classes in the school year, a  
6 charter school student may enroll in the resident district.

7 6. A school board or public postsecondary institution  
8 revoking a contract or a school board or public postsecondary  
9 institution or advisory council that fails to renew a contract  
10 under this chapter is not liable for that action to the  
11 charter school, a student enrolled in the charter school or  
12 the student's parent or guardian, or any other person.

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

17 Sec. 11. Section 256F.10, subsection 1, Code 2005, is  
18 amended to read as follows:

19 1. A charter school shall report at least annually to the  
20 school board or the public postsecondary institution, as  
21 applicable, advisory council, and the state board the  
22 information required by the school board or the public  
23 postsecondary institution, as applicable, advisory council, or  
24 the state board. The reports are public records subject to  
25 chapter 22.

#### 26 EXPLANATION

27 This bill increases from 10 to 20 the number of charter  
28 school applications the state board of education may approve  
29 and authorizes the state board to approve applications for the  
30 establishment, by community colleges or state universities, of  
31 junior-senior high or senior high charter magnet schools.

32 Code chapter 256F currently provides that a charter school  
33 is a public school that is either a new school within an  
34 existing public school or an existing public school converted  
35 to charter status. The principal, teachers, or parents or

1 guardians of students at an existing public school who wish to  
2 establish a charter school must submit an application to the  
3 board of directors of the school board and, upon receiving  
4 approval from the school board, must submit an application to  
5 the state board of education for final approval. The bill  
6 makes numerous changes to Code chapter 256F to allow for the  
7 establishment of a charter magnet school by a community  
8 college or state university and to require that a charter  
9 magnet school and its sponsor adhere to the same requirements  
10 currently established for charter schools established by  
11 school districts, with the exception of the transportation  
12 requirements.

13 The bill provides that a charter magnet school must provide  
14 students with a rigorous educational program that will prepare  
15 students to attain a postsecondary degree and establish a  
16 specialized focus on one or more of the following subjects:  
17 science; mathematics; engineering; computer science;  
18 biotechnology; and international studies.

19 The bill places the responsibility for providing students  
20 with transportation to and from the charter magnet school on  
21 the parent or guardian. However, if the student meets low-  
22 income guidelines, the charter magnet school must provide the  
23 transportation or reimburse the parent or guardian for  
24 providing transportation.

25 The bill also eliminates an obsolete provision.

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