

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 511

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5209C, IDAHO CODE, TO PROVIDE THAT CERTAIN CHARTER SCHOOLS WITH LESS THAN FIFTEEN DAYS' WORTH OF CASH ON HAND MUST CURE THE FISCAL DEFICIENCY WITHIN A YEAR OR BE SUBJECT TO REVOCATION PROCEEDINGS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-5209C, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209C. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized chartering entity shall continually monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the performance certificate. Every authorized chartering entity shall have the authority to conduct or require oversight activities that enable the authorized chartering entity to fulfill its responsibilities pursuant to the provisions of this chapter, including conducting appropriate inquiries and investigations, ~~so~~ as long as those activities are consistent with the intent of this chapter, adhere to the terms of the performance certificate and do not unduly inhibit the autonomy granted to public charter schools.

(2) Each authorized chartering entity shall annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and section 33-5209A, Idaho Code. The authorized chartering entity may require each public charter school it oversees to submit an annual report to assist the authorized chartering entity in gathering complete information about each school consistent with the performance framework. Each public charter school shall publish its annual performance report on the school's website.

(3) If an authorized chartering entity has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern. Upon receiving such notification, the state department of education shall have the authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of section 33-1009(1), Idaho Code, such that equal percentages are paid on each of the prescribed dates. If documents filed with the state department of education pursuant to section 33-5210(3), Idaho Code, establish that a public charter school that is not a virtual school had less than fifteen (15) days' worth of cash on hand on June 30 of the current calendar year, then by November 30 of that year the state department of education shall notify the school and the school's authorized chartering entity that the school has until June 30 of the subsequent year to cure the

1 deficiency. If on June 30 of the subsequent year the school again has less
2 than fifteen (15) days' worth of cash on hand, then by November 30 of that
3 year the authorized chartering entity shall begin revocation proceedings
4 pursuant to subsection (7) of this section.

5 (4) If an authorized chartering entity has reason to believe that a
6 charter holder or public charter school has violated any provision of law, it
7 shall notify the charter holder and the entity responsible for administering
8 said law of the possible violation.

9 (5) If an authorized chartering entity revokes or does not renew a char-
10 ter, the authorized chartering entity shall clearly state, in a resolution
11 of its governing board, the reasons for the revocation or nonrenewal.

12 (6) Within fourteen (14) days of taking action to renew, not renew or
13 revoke a charter, the authorized chartering entity shall report to the state
14 board of education the action taken and shall provide a copy of the report to
15 the charter holder at the same time that the report is submitted to the state
16 board of education. The report shall include a copy of the authorized char-
17 tering entity's resolution setting forth the action taken and reasons for
18 the decision and assurances as to compliance with all of the requirements set
19 forth in this chapter.

20 (7) A charter may be revoked by the authorized chartering entity if the
21 public charter school has failed to meet any of the specific, written con-
22 ditions for necessary improvements established pursuant to the provisions
23 of section 33-5209B(1), Idaho Code, or has failed to cure the fifteen (15)
24 days' worth of cash on hand deficiency pursuant to subsection (3) of this
25 section, by the dates specified. Revocation may not occur until the charter
26 holder has been afforded a public hearing, unless the authorized chartering
27 entity determines that the continued operation of the public charter school
28 presents an imminent public safety issue, in which case the charter may be
29 revoked immediately. Public hearings shall be conducted by the authorized
30 chartering entity or such other person or persons appointed by the autho-
31 rized chartering entity to conduct public hearings and receive evidence as
32 a contested case in accordance with the provisions of section 67-5242, Idaho
33 Code. Notice and opportunity to reply shall include, at a minimum, written
34 notice setting out the basis for consideration of revocation, a period of not
35 less than thirty (30) days within which the charter holder can reply in writ-
36 ing, and a public hearing within thirty (30) days of the receipt of the writ-
37 ten reply.

38 (8) A decision to revoke or nonrenew a charter or to deny a revision of
39 a charter may be appealed directly to the state board of education. With re-
40 spect to such appeal, the state board of education shall substantially fol-
41 low the procedure as provided in section 33-5207(5) (b), Idaho Code. In the
42 event the state board of education reverses a decision of revocation or non-
43 renewal, the charter holder subject to such action shall then be placed under
44 the chartering authority of the public charter school commission.