

IN THE SENATE

SENATE BILL NO. 1149

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS  
3 RELATING TO UNANTICIPATED PUBLIC CHARTER SCHOOL CLOSURE AND TO PROVIDE  
4 FOR CERTAIN FUNDING; AND AMENDING SECTION 33-5208, IDAHO CODE, TO PRO-  
5 VIDE FOR APPLICATION OF LAWS.  
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 33-1021, Idaho Code, and to read as follows:

11 33-1021. MONEYS PROVIDED FROM UNANTICIPATED PUBLIC CHARTER SCHOOL  
12 CLOSURE. In the event a public charter school closes and ceases to provide  
13 educational instruction during the course of a school year, the following  
14 provisions relating to funding shall apply:

15 (1) A school district or public charter school shall report to the state  
16 department of education all newly enrolled students when such students have  
17 enrolled from a public charter school that has closed during a school year.

18 (2) The state department of education shall use the reported enroll-  
19 ment information provided for in subsection (1) of this section to calculate  
20 the funding that the district or public charter school would have received  
21 had those reported new enrollees been enrolled in such district for the en-  
22 tire school year. Such funding shall be prorated based on the percent of days  
23 left in the school year following the enrollment of new students. Such fund-  
24 ing shall be included in the next scheduled payment to the school district or  
25 public charter school.

26 SECTION 2. That Section 33-5208, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided  
29 in subsection (8) of this section, from the state educational support pro-  
30 gram the state department of education shall make the following apportion-  
31 ment to each public charter school for each fiscal year based on attendance  
32 figures submitted in a manner and time as required by the department of edu-  
33 cation:

34 (1) Per student support. Computation of support units for each public  
35 charter school shall be calculated as if it were a separate school accord-  
36 ing to the schedules in section 33-1002(4), Idaho Code, except that public  
37 charter schools with fewer than one hundred (100) secondary ADA shall use a  
38 divisor of twelve (12) and the minimum units shall not apply, and no public  
39 charter school shall receive an increase in support units that exceeds the  
40 support units it received in the prior year by more than thirty (30). Funding

1 from the state educational support program shall be equal to the total dis-  
2 tribution factor, plus the salary-based apportionment provided in chapter  
3 10, title 33, Idaho Code. Provided however, any public charter school that  
4 is formed by the conversion of an existing traditional public school shall  
5 be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no  
6 lower than the divisors of the school district in which the traditional pub-  
7 lic school is located, for each category of pupils listed.

8 (2) Special education. For each student enrolled in the public charter  
9 school who is entitled to special education services, the state and federal  
10 funds from the exceptional child education program for that student that  
11 would have been apportioned for that student to the school district in which  
12 the public charter school is located.

13 (3) Alternative school support. Public charter schools may qualify un-  
14 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided  
15 the public charter school meets the necessary statutory requirements, and  
16 students qualify for attendance at an alternative school as provided by rule  
17 of the state board of education.

18 (4) Transportation support. Support shall be paid to the public char-  
19 ter school as provided in chapter 15, title 33, Idaho Code, and section  
20 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
21 ment with an enrollment count as of the first Friday in November, of public  
22 charter school students who are eligible for reimbursement of transporta-  
23 tion costs under the provisions of this subsection and who reside more than  
24 one and one-half (1 1/2) miles from the school. For charter schools in the  
25 initial year of operation, the petition shall include a proposal for trans-  
26 portation services with an estimated first year cost. The state department  
27 of education is authorized to include in the annual appropriation to the  
28 charter school sixty percent (60%) of the estimated transportation cost.  
29 The final appropriation payment in July shall reflect reimbursements of ac-  
30 tual costs pursuant to section 33-1006, Idaho Code. To be eligible for state  
31 reimbursement under the provisions of section 33-1006, Idaho Code, the stu-  
32 dent to be transported must reside within the public charter school's atten-  
33 dance zone, and must meet at least one (1) of the following two (2) criteria:

34 (a) The student resides within the school district in which the public  
35 charter school is physically located; or

36 (b) The student resides within fifteen (15) miles of the public charter  
37 school, by road.

38 The limitations placed by this subsection on the reimbursement of  
39 transportation costs for certain students shall not apply to public virtual  
40 schools.

41 (5) Payment schedule. The state department of education is authorized  
42 to make an advance payment of twenty-five percent (25%) of a public charter  
43 school's estimated annual apportionment for its first year of operation, and  
44 each year thereafter, provided the public charter school has an increase of  
45 student population in any given year of twenty (20) students or more, to as-  
46 sist the school with initial start-up costs or payroll obligations.

47 (a) For a state public charter school to receive the advance payment,  
48 the school shall submit its anticipated fall membership for each grade  
49 level to the state department of education by June 1.

1 (b) Using the figures provided by the public charter school, the state  
2 department of education shall determine an estimated annual apportion-  
3 ment from which the amount of the advance payment shall be calculated.  
4 Advance payment shall be made to the school on or after July 1 but no  
5 later than July 31.

6 (c) All subsequent payments, taking into account the one-time advance  
7 payment made for the first year of operation, shall be made to the public  
8 charter school in the same manner as other traditional public schools in  
9 accordance with the provisions of section 33-1009, Idaho Code.

10 A public charter school shall comply with all applicable fiscal requirements  
11 of law, except that the following provisions shall not be applicable to  
12 public charter schools: section 33-1003B, Idaho Code, relating to guaran-  
13 teed minimum support; that portion of section 33-1004, Idaho Code, relating  
14 to reduction of the administrative and instructional staff allowance when  
15 there is a discrepancy between the number allowed and the number actually em-  
16 ployed; and section 33-1004E, Idaho Code, for calculation of district staff  
17 indices.

18 (6) Nothing in this chapter shall be construed to prohibit any private  
19 person or organization from providing funding or other financial assistance  
20 to the establishment or operation of a public charter school.

21 (7) Nothing in this chapter shall prevent a public charter school from  
22 applying for federal grant moneys.

23 (8) (a) For the period July 1, 2003, through June 30, 2005, all pub-  
24 lic virtual schools shall be assigned divisors, pursuant to section  
25 33-1002, Idaho Code, that are no higher than the median divisor shown  
26 for each respective category of pupils, among the possible divisors  
27 listed, for each respective category of pupils that contains more than  
28 one (1) divisor. If there is an even number of possible divisors listed  
29 for a particular category of pupils, then the lesser of the two (2) me-  
30 dian divisors shall be used. For the period July 1, 2005, through June  
31 30, 2007, all public virtual schools shall be assigned divisors, pur-  
32 suant to section 33-1002, Idaho Code, that are no higher than the second  
33 highest divisor shown, among the possible divisors listed, for each  
34 respective category of pupils that contains more than one (1) divisor.  
35 The divisor provisions contained herein shall only be applicable to  
36 the number of pupils in average daily attendance in such public virtual  
37 schools for the period July 1, 2003, through June 30, 2004. If the num-  
38 ber of pupils in average daily attendance in any particular category  
39 of pupils increases, during the period July 1, 2004, through June 30,  
40 2005, to a number above that which existed in the prior fiscal year, then  
41 those additional pupils in average daily attendance shall be assigned  
42 the divisor, pursuant to section 33-1002, Idaho Code, that would have  
43 otherwise been assigned to the school district or public charter school  
44 had this section not been in force.

45 (b) Each student in attendance at a public virtual school shall be  
46 funded based upon either the actual hours of attendance in the public  
47 virtual school on a flexible schedule, or the percentage of coursework  
48 completed, whichever is more advantageous to the school, up to the maxi-  
49 mum of one (1) full-time equivalent student.

1 (c) All federal educational funds shall be administered and dis-  
2 tributed to public charter schools, including public virtual schools,  
3 that have been designated by the state board of education as a local edu-  
4 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.  
5 (9) Nothing in this section prohibits separate face-to-face learning  
6 activities or services.  
7 (10) The provisions of section 33-1021, Idaho Code, shall apply to pub-  
8 lic charter schools provided for in this chapter.