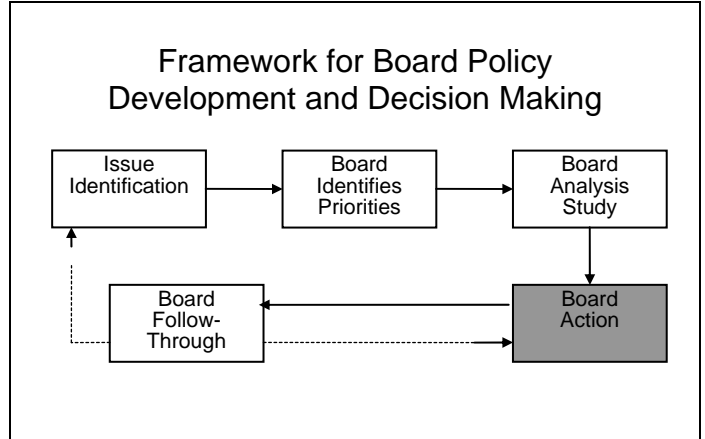


Iowa State Board of Education

Executive Summary

February 6, 2008



Agenda Item: Chapter 68, Iowa Public Charter Schools (Notice)

Iowa Goal: (2) All K-12 students will achieve at a high level.

Equity Impact: The amendments conform the administrative rules regarding charter schools to the statutory changes in Iowa Code Chapter 256F.

Presenter: None (Consent Agendum)

Attachments: 1

Recommendation: It is recommended that the State Board give notice of its intent to amend Chapter 68.

Background: Upon initial enactment of Iowa's Charter Schools Act (Iowa Code Chapter 256F) in 2003, this chapter of rules was adopted and filed in September of 2003. Significant changes since have been made to Chapter 256F. The initial ten charters authorized as pilots in the original legislation and for which federal funding was available now have been granted by the State Board. Two of those existing charters expire at the end of the present school year. The amendments in Item 6 address a process for renewal or revocation of existing grants.

Another ten charters are authorized to be granted, although no funds are available. (No applications for new charters are pending.) Items 1 through 5 reflect the changes in number and type of charters available. The final new sentence in Item 4 adds a deadline by which charter school applications approved by school boards shall be submitted to the department (no later than December 15).

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 68, "Iowa Public Charter Schools," Iowa Administrative Code.

Upon initial enactment of Iowa's Charter Schools Act (Iowa Code Chapter 256F) in 2003, this chapter of rules was adopted and filed in September of 2003. The initial ten charters authorized as pilots in the original legislation and for which federal funding was available now have been granted by the State Board. Changes made to Chapter 256F authorize another ten charters to be granted, although no funds – federal or state – are available for new charters. Items 1 through 5 reflect the changes in number and type of charters available. The final new sentence in Item 4 also adds a deadline by which charter school applications approved by school boards shall be submitted to the department (no later than December 15 immediately preceding the school year for which the charter school desires to start operations). Two existing charters expire at the end of the present (2007-08) school year. The amendments in Item 6 address a process for renewal or revocation of existing grants.

An agencywide waiver provision is provided in 281— Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before March 18, 2008, by 4:30 p.m. Comments on the proposed amendments should be directed to Del Hoover, Deputy Administrator, Bureau of Accreditation and Improvement Services, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8402; E-mail del.hoover@iowa.gov; or fax (515)281-7700.

A public hearing will be held on March 18, 2008, from 1 to 2 p.m. at the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5296.

These amendments are intended to implement Iowa Code Chapter 256F.

The following amendments are proposed.

ITEM 1. Amend the statutory authority for all rules in chapter 68 from (79 GA, ch 1124) to (256F).

ITEM 2. Amend rule **281—68.1(79 GA, ch 1124)** as follows:

281—68.1(256F) Purpose. ~~The purpose of a public charter school is established pursuant to 2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79. All charter schools in Iowa are public schools, the purpose of which is established pursuant to Iowa Code chapter 256F.~~ A charter school may be established by creating a new school within an existing public school or by converting an existing public school to charter status. This chapter provides the criteria and weighting for those criteria that the state board shall use to determine if an application shall be selected as ~~one of ten authorized pilot public charter schools~~ a public charter school.

ITEM 3. Amend rule **281—68.2(256F)** by adding the following **new** definitions in alphabetical order:

“Advisory council” means a council appointed by the school board of a charter school. No more than one member of the council may be a member of the school board. A district’s school improvement advisory committee may also serve as its advisory council. The advisory council is subject to the provisions of Iowa Code chapter 21.

“Family unit” means a household in which reside one or more students at the existing public school sought to be converted to a charter school.

ITEM 4. Amend rule **281—68.3(79 GA, ch 1124)** as follows:

281—68.3(256F) Application to a school board. ~~Beginning April 28, 2003, a~~ A local school board may begin accepting ~~accept~~ applications from the principal, teachers, or parents or guardians of students at an existing public school for the planning and operation of a charter school within the boundary lines of an existing public school district. ~~Local school boards may receive applications for both charter school planning and for charter school status, and could be eligible to receive both levels of financial support (pending available federal funding). Both charter school planning and charter school status applications~~ An application for a charter school must be approved by the local school board as a prerequisite for submission of the application to the state board. An applicant may appeal the local school board denial of the application to the state board under the procedures set forth in Iowa Code chapter 290.

Prior to accepting applications, a local school board shall adopt procedures, criteria, and weighting of the criteria that will determine whether an application is approved or denied. The local school board may adopt the procedures, criteria, and weighting of the criteria as established in this chapter for public charter schools. The procedures shall include a requirement that a majority of family units of the proposed charter school support the approval of the application. In addition, any application that has been submitted and for which subsequent school board action has been taken shall, at minimum, meet the provisions of ~~2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79~~ Iowa Code Chapter 256F. An application that is received by a school board on or before October 1 of a calendar year shall be considered for approval and for the establishment of a charter school at the beginning of the school district’s next school year or at a time agreed to by the applicant and the local school board.

~~However, Subject to the provision in the next unnumbered paragraph,~~ a local school board may receive and consider applications after October 1 at its discretion. A local school board, by majority vote, must approve or deny the application within 60 calendar days after the application is received. An application approved by the local school board and state board of education shall constitute, at a minimum, an agreement between the local school board and the charter school for the operation of the charter school for no less than four years.

All applications approved by school boards shall be submitted to the department no later than December 15 immediately preceding the school year for which the charter school desires to start operations.

ITEM 5. Amend rule **281—68.4(79 GA, ch 1124)** as follows:

281—68.4(256F) Review process.

68.4(1) Application to the department. ~~The department will review two types of public charter school applications: (1) charter school planning, and (2) charter status. A planning application is to be of a duration no longer than one year and based on the intent of moving to public charter school status. A charter status application may be made without first applying for planning.~~

Upon a local school board's approval of an application for the proposed establishment of a charter school, the local school board must submit ~~an~~ the application for such establishment to the department. The department shall appoint, at minimum, ~~seven~~ five individuals knowledgeable in student achievement and nontraditional learning environments to review each application for charter status. A reviewer shall not participate in the review of any application in which the individual may have an interest, direct or indirect.

68.4(2) Ranking of applications. Applications shall be ranked on a point system, and applications shall be recommended in rank order beginning with the application with the highest points. In the event that two or more applications tie, the applications will be reviewed until the tie is broken.

The maximum points for an application shall be 100. The maximum points for each criterion provided in ~~2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79, Iowa Code section 256F.5~~ shall be as follows:

a. *Overview.* The mission, purpose, innovation, and specialized focus of the charter school. The maximum number of points that can be awarded is 10.

b. *Organization and structure.* The maximum number of points that can be awarded is 25. The description of the organization and structure shall include:

(1) The charter school governance and bylaws.

(2) 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 local school board. The advisory council shall, to the greatest extent possible, reflect the demographics of the student population to be served by the public charter school.

(3) 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.

(4) The method for admission to the public charter school. The admission policy shall support the purpose and specialized mission of the public charter school. A lottery process must be described in the application for a public charter school in the event that the number of applicants exceeds the capacity of the public charter school. The admission process shall not discriminate against prospective students on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability, except if a charter school limits enrollment pursuant to ~~2002 Iowa Acts, chapter 1124, section 4, as amended by 2003 Iowa Acts, chapter 79, section 4 subsection 3 of Iowa Code section 256F.4.~~

(5) The number and qualifications of teachers and administrators to be employed. Hiring shall, to the greatest extent possible, reflect the demographics of the student population to be served by the public charter school.

(6) Procedures for teacher and administrator evaluation.

(7) Procedures for identification and implementation of professional development for teachers and administrators as required under 281—12.7(256) and the Iowa teaching standards, including the opportunity to be responsible for the learning program at the school site.

(8) A plan of operation to be implemented if the public charter school revokes or fails to renew its contract.

(9) The specific statutes, administrative rules, and school board policies with which the public charter school does not intend to comply.

c. *Facilities/financial support.* The maximum number of points that can be awarded is 25. The description of the facilities/financial support shall include:

- (1) The provision of school facilities.
- (2) The financial plan for the operation of the school including, at minimum, a listing of the support services the school district will provide, and the public charter school's revenues, budgets, and expenditures.
- (3) Assurance of the assumption of liability by the public charter school.
- (4) The types and amounts of insurance coverage to be obtained by the public charter school.
- (5) The means, costs, and plan for providing transportation for students attending the public charter school.

d. *Student achievement.* The maximum number of points that can be awarded is 40. The description shall include:

(1) Performance goals and objectives in addition to those required under Iowa Code section 256.7(21) and 281—Chapter 12, 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.

(2) The educational program and curriculum utilizing different and innovative instructional methodologies that reflect sensitivity to gender, racial, ethnic and socioeconomic backgrounds. Services to be offered to all prospective students, including students with disabilities pursuant to the requirements of 281—Chapter 41, English Language Learners (ELL), and other students considered "at risk," must also reflect the same sensitivities.

(3) A statement that indicates how the public charter school will meet the purpose of a public charter school as outlined in ~~2002 Iowa Acts, chapter 1124, section 1, subsection 3, subsection 3 of Iowa Code section 256F.1,~~ and the minimum state and federal statutory requirements of a public charter school as outlined in ~~2002 Iowa Acts, chapter 1124, section 4, subsection 2 subsection 2 of Iowa Code section 256F.4.~~

68.4(3) State board review. The state board shall review the recommendations provided by the department. The state board shall, by a majority vote, approve or deny an application within 60 calendar days of receipt of the application and shall notify applicants within 14 days of the state board's decision. An approved application shall be a part of the contract for the operation of the charter school. The terms of the contract for the operation of the charter school shall also outline the reasons for revocation or nonrenewal of the charter.

ITEM 6. Add the following new rules:

281—68.5(256F) Ongoing review by department. A charter school shall be reviewed periodically by the department to ensure continuing compliance with its contract. The department may schedule mandatory meetings with the administrators of all charter schools at the department's sole discretion.

281—68.6(256F) Renewal of charter. After the initial four year contract for a charter school and at the end of each renewal period thereafter, the school board that established the charter school shall, in the absence of revoking the charter pursuant to subrules 68.7(1) and 68.7(2), take affirmative action to renew a charter school contract. The school board shall hold a public hearing on the issue of renewal, and shall submit to the department a copy of the minutes of the public hearing showing that a majority of the school board members voted in favor of renewal of the charter. Any action to renew a charter must specify the number of years, which shall not be more than four, for which the charter was renewed by the school board.

A school board must submit a new application to the department if it modifies any of the terms of the original charter.

281—68.7(256F) Revocation of charter.

68.7(1) Reasons for revocation. A charter may be revoked by the state board or by the school board that established the charter if either board determines that one or more of the following occurred:

- a. The charter school has failed to meet the provisions set forth in the contract for the operation of the charter school.
- b. The charter school has failed to comply with the provisions in Iowa Code chapter 256F.
- c. The charter school has failed to meet generally accepted accounting principles for public entities.

68.7(2) *Revocation by school board.* A school board considering revoking a contract with its charter school shall notify the advisory council, family units, and teachers and administrators employed by the charter school at least 60 days prior to the date by which the contract must be renewed, but not later than the last day of classes in the school year. The decision of a school board to revoke or fail to renew a charter school contract is subject to appeal by a member of the advisory council, an affected student, or an individual employed by the charter school under procedures set forth in Iowa Code chapter 290.

68.7(3) *Revocation by state board.* If the state board determines that reason exists under subrule 68.7(1) to revoke a charter school contract, the state board shall notify the school board and the advisory council of its intention to revoke the contract at least 60 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. 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.

68.7(4) *Voluntary revocation.* A charter school may voluntarily revoke its charter school contract by giving notice not later than the last day of classes to the school board, advisory council, and department of its intent to cease to exist as a charter school for the immediate successive school year. Once voluntarily revoked, the contract shall not be renewed unless the school board undertakes anew the charter process.

These rules are intended to implement ~~2002 Iowa Acts, chapter 1124, as amended by 2003 Iowa Acts, chapter 79~~ Iowa Code Chapter 256F.