

PHILOSOPHY

Public charter schools provide opportunities for teachers, parents, students, and community members to establish and maintain public schools that operate independently from the existing district structure but within the existing public school system in Idaho. Public charter schools also provide a method to accomplish any of the following:

1. Improved student learning;
2. Increased learning opportunities for all students, with special emphasis on expanded learning experiences for students;
3. The use of different and innovative teaching methods;
4. Utilize virtual distance learning and on-line learning;
5. New professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
6. Expanded choices regarding the types of educational opportunities that are available within the public school system.
7. Meeting measurable student educational standards.

DEFINITIONS

Attendance area: The geographical area designated in the petition from which the proposed new public charter school or converted public charter school will accept students. The charter petition shall describe the attendance area which shall be composed of a compact and contiguous area. For purposes of the petition, if services are available to students throughout the state, the state of Idaho is considered a compact and contiguous area. The attendance area will not include any geographical area outside the state of Idaho.

Authorized chartering entity: The local board of trustees of a school district in this state, or the public charter school commission.

Charter: The grant of authority to the board of directors of the public charter school is approved by the authorized chartering entity and is the operating plan of a public charter school. An approved petition becomes the charter of a public charter school and has the force and effect of a legal agreement between the nonprofit corporation and this district granting authority to the board of directors of the public charter school.

Converted public charter school: An existing school building in this district that is approved to become a public charter school.

Educational classification region: The regions designated by the State Board of Education for the purpose of determining the geographic distribution of public charter schools within the state of Idaho.

Founder: A person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions, or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

New public charter school: A public charter school at a location other than an existing school within the district.

Nonprofit corporation: The operating entity of a public charter school, comprised of a board of directors, incorporated under the Idaho Nonprofit Corporation Act.

Petition: The documentation that must be submitted to the board of trustees of this district for approval of a proposed public charter school. Once the petition is approved, it is the charter of the school and has the force and effect of a legal agreement between the nonprofit corporation and this district.

Public charter school: A charter school that is authorized to deliver public education in Idaho.

Public virtual school: A public charter school that may serve students in more than one (1) school district and through which the primary method for the delivery of instruction to all of its pupils is through virtual distance learning or online technologies. Student educational standards: The extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the public charter school's educational program.

Traditional public school: Any school existing or to be built that is operated and controlled by a school district in this state.

NUMBER OF PUBLIC CHARTER SCHOOLS ALLOWED

The creation of public charter schools is authorized as follows: (1) Public charter schools shall be part of the state's program of public education; and (2) The number of new public charter schools which may begin educational instruction in any one (1) school year shall be limited in number in accordance with the following:

- (a) Not more than six (6) new public charter schools may begin educational instruction in any one (1) school year. The transfer of a charter for a school already authorized pursuant to Idaho Code Section 33-5205A, to the charter school commission from the district where the charter school is physically located when the board of directors, board of trustees, and the commission so agree, is not included from the limit on the annual

number of public charter schools approved to begin educational instruction in any given school year.

- (b) Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) district in any one (1) school year. Public virtual charter schools approved by the public charter school commission are not excluded from the per-district limitation.
- (c) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools.

A charter must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition.

In the event this district has approved a petition for a charter this school year, and subsequent petitions are received during the same year, the subsequent petitions will be considered for approval, but if approved, cannot begin instruction until the subsequent school year based on the provisions of this policy and Idaho Code Section 33-5203. Upon approval by the district of any petition, it is the responsibility of the petitioner to submit the petition and written notice that the petition has been approved to the state board of education. The state board of education will assign a number to each petition it receives. Petitions will be numbered based on the chronological order in which notice of the approved petition is received by the State Board of Education.

This district shall be responsible to assure that all public charter schools it approves operate at all times in compliance with the terms of the approved charter and the general education laws of Idaho, and operates in accordance with the state educational standards of thoroughness as defined in Idaho Code Section 33-1612, as well as other applicable requirements of Idaho Code and rules promulgated by the State Board of Education.

FUNDING FOR PUBLIC CHARTER SCHOOLS

Public charter schools will receive funding based on Average Daily Attendance (ADA), salary-based apportionment, and other state and federal funding as calculated by the State Department of Education. A public charter school may qualify as an alternative school, provided all statutory and regulatory provisions are met. In addition, an approved public charter school may accept funds from private persons or organizations, and may make application for federal grant moneys.

The board of directors of a public charter school operating as a nonprofit corporation may borrow money to finance the purchase or lease of school building facilities, equipment, or furniture, and may use such facilities, equipment, and furniture as collateral for the loan, subject to the agreement between the board and the lender.

The public charter school is prohibited from charging tuition, levying taxes, or issuing bonds.

NONPROFIT CORPORATION

A public charter school must be organized and managed under the Idaho Nonprofit Corporation Act. The board of trustees will not grant a charter to a for-profit entity nor allow a charter to be operated by a for-profit entity, but a public charter school may contract with a for-profit entity for the provision of goods or services that aid in the operation of the school.

The board of directors is required to cause to be made a full and complete audit of the financial statements of the public charter school as required in Section 67-540B, Idaho Code. The auditor for the public charter school must be employed on a written contract. The board of directors is required to file one (1) copy of the audit report with the State Department of Education, after acceptance by the board of directors, but not later than October 15. The board of directors must also file annually with the State Department of Education such financial and statistical reports as said state superintendent of public instruction may require. Copies of any such financial and statistical reports, including the audit, must be simultaneously filed with this district.

LEGAL RESPONSIBILITIES OF PUBLIC CHARTER SCHOOLS

The board of directors will be deemed public agents authorized by this district or the State Board of Education to control the public charter school, but shall function independently of the board of trustees, except as provided in the charter.

Public charter schools approved by this district must be nonsectarian in their programs, affiliations, admission policies, employment practices, and all other operations. Public charter schools are prohibited from discriminating against any student on any basis prohibited by federal or state constitutions, or any federal, state, or local law.

The public charter school and the board of directors thereof are subject to the provisions of:

1. Idaho Code Sections 18-1351 to 18-1362, bribery and corrupt influence, except as provided in Section 33-5204A(2), Idaho Code;
2. Idaho Code Section 59-201, *et seq.*, prohibitions against contracts with officers;
3. Idaho Code Section 59-701, *et seq.*, ethics in government;
4. Idaho Code Section 67-2301, *et seq.*, open public meetings;
5. Idaho Code Section 9-301, *et seq.*, public records act; and
6. Idaho Code Section 6-901, *et seq.*, Idaho Tort Claims Act.

Public charter schools will be held accountable for meeting measurable student educational standards identified in the petition.

Each public charter school is exempt from State Board of Education rules governing school districts in Idaho, with the exception of state rules relating to waiver of teacher certification and accreditation.

Sales to or purchases by a public charter school are exempt from payment of sales and use taxes.

LIABILITY AND INSURANCE

A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a public school district; further, a public charter school's employees, directors, and officers have the same immunities as employees, directors, and officers of public school districts.

This district will not be responsible or be liable for any acts, omissions, debts, or other obligations of a public charter school, except as may be provided in a charter approved by this district.

A public charter school must secure insurance for liability and property loss.

PETITION TO ESTABLISH A CHARTER SCHOOL

An approved public school charter will be valid until revoked upon a determination that the charter school is not being operated in compliance with the approved charter, or the non-profit corporation is dissolved or otherwise terminates its existence. The charter may not be revoked until after the charter school is provided notice, an opportunity to cure any defect, and a due process hearing pursuant to Idaho Code Section 33-5209.

A public charter school may not be created by the conversion of any private or parochial school.

Public charter schools may be established as follows:

1. A new public charter school may be established at a location other than an existing school within the district. The petition must be signed by not less than thirty (30) qualified electors of the district. Proof of such elector qualification shall be provided with the petition.
2. A new public charter school may be established by converting an existing school within the district to charter status.
 - a. The petition must be signed by not less than sixty percent (60%) of the teachers currently employed by this district at the school proposed to be converted; and
 - b. The petition must be signed by one (1) or more parent or guardian of not less than sixty percent (60%) of the students currently attending the school proposed to be converted.

3. The petitioner must submit seven (7) copies of the petition to the superintendent or designee for the purpose of verifying that the required number of authorized signatures is present. If the petition lacks the required number of authorized signatures, the petition may be returned to the petitioner. If the signature review process is not completed after fourteen (14) days, or if the petition has met the signature requirements, the superintendent or designee will automatically forward the petition to the board of trustees. Within fourteen (14) days of receiving the petition, the superintendent or designee will notify the petitioner in writing of the following:
 - a. Whether the signature review process was completed, and if so, whether the petition contained the required number of authorized signatures.
 - b. The date the petition was forwarded to the board of trustees or returned to the petitioner.
4. The board of trustees will review all petitions forwarded by the superintendent or designee as follows:
 - a. Not later than thirty (30) days after receiving a petition, the board of trustees will hold a public hearing for the purpose of discussing the provisions of the charter.
 - b. The board of trustees will review the petition, and take into account the merits of the petition and the level of employee and parental support for the petition.
 - c. Following a review of the petition and a public hearing, which shall include an opportunity for public participation and oral presentation by the public, the board of trustees will either grant or deny the charter within sixty (60) days of receipt of the petition. The deadline for granting or denying the charter may be extended by an additional sixty (60) days if the petition fails to contain all the required information, or if the petitioner and the district agree to the extension. The board of trustees will notify the petitioner in writing of its decision to grant or deny a petition, and its reasons for denying a petition, if necessary.
 - d. Prior to the deadline for granting or denying a petition, the board of trustees may meet with the petitioner to discuss alternatives to any provision proposed in the petition. Any amendments to the petition will be in writing and will become part of the petition. Such amendments may include, but are not limited to, provisions to contract with the district for certain services.

ADMISSION REQUIREMENTS

A public charter school must adopt and maintain a policy regarding admission practices whereby students are selected by a random or lottery method. If capacity is limited, the policy may include preferences, as follows: 1) to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; 2) to siblings of students already enrolled in the charter school; and 3) an equitable selection process such as by lottery or other random method.

If capacity is insufficient to enroll all students for subsequent school terms, who submit a timely application, preference must be given in the following order: 1) to students returning to the charter school in the second or any subsequent year of the school's operation; 2) to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; 3) to siblings of students already enrolled in the charter school; and 4) an equitable selection process such as by lottery or other random method.

EMPLOYMENT REQUIREMENTS

The following provisions apply to any charter school approved by the board of trustees:

1. No employee of this district will be involuntarily assigned to work in a charter school.
2. All certificated teachers in a charter school approved by this district will be considered public school teachers, but will not be considered employees of this district.
3. All charter school teachers and administrators shall be employed on a written contract approved by the state superintendent of public instruction, conditioned upon such professional personnel holding a valid certificate at the time of entering upon the duties there under.
4. Educational experience of certificated teachers will accrue for service in a charter school. The experience in a charter school will be counted by this district if the certificated teacher returns to a traditional public school in this district.
5. A certificated teacher who was employed by the district just prior to working at the charter school will be allowed to return to the district's employment if positions for which the teacher is certificated are available. However, the district will not create a new position, nor enact its Reduction-In-Force policy solely for the purpose of employing a certificated teacher who desires to return to district employment.
6. A certificated teacher who is employed by a public charter school and who wishes to return to the traditional public school in this district must meet the following requirements:
 - a. The certificated teacher must have been employed by this district on either an annual or a renewable contract for the school year immediately prior to his or her employment at the public charter school.
 - b. The certificated teacher must make written application to the board of trustees no later than April 1 for the upcoming school year indicating his or her desire to return to the traditional public school in this district.
 - c. The application must document that the applicant was continually employed at the charter school since leaving the district's employment.

- d. The certificated teacher must have been employed by this district within the last three (3) years.
- e. The certificated teacher must not have committed any act or omission at the charter school that would, under this district's policies, be cause for dismissal. All employees of the school are required to undergo a criminal history check. (Consult Policy 402, Criminal History Checks for Employees.)

All applications that meet the above criteria may be approved depending on availability of positions. No certificated employee currently employed with this district will be displaced or terminated. A certificated teacher whose application is not approved because of disciplinary reasons will be afforded all due process rights entitled by law.

The board of trustees will notify each applicant, in writing, no later than May 15 whether the transfer has been approved. Certificated teachers who have been approved to return to the traditional public school in this district will be given an opportunity to sign an employment contract with this district: renewable contracts will be distributed no later than May 15; annual contracts will be distributed no later than May 25. Applicants will be assigned to positions within the district in accord with the needs of the district, as determined by the superintendent or designee.

7. A certificated teacher's right to return to the district's employment will terminate when the certificated teacher has worked at the charter school for three (3) consecutive school years. Thereafter, a certificated teacher must apply for, and compete with other non-district applicants, any position for which he or she is certificated.
8. A certificated teacher who was not employed by this district on an annual or renewable contract immediately prior to his or her employment at a charter school does not have employment rights with this district.

PETITION AMENDMENT

Anytime it comes to the attention of this district or the charter school that the approved petition should be amended to address particular needs of the charter school or the district, or to come into compliance with federal or state laws, the district or charter school will ask for a meeting to discuss the proposed changes. If this district and the charter school cannot agree on amendments to the petition, and the amendments impact the mandates of federal or state law, this district may begin the process to revoke the charter school status, as set forth in the Revocation of Charter School Status section of this policy.

NOTICE TO STATE BOARD OF EDUCATION

Upon approval of the charter school petition by this board of trustees, or upon amendments to the charter school petition being approved, the petitioner must provide written notice of the approval, including a copy of the petition, to the State Board of Education.

APPEAL TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

An appeal may be made to the superintendent of public instruction under the following circumstances:

1. Thirty (30) or more persons or employees of this district object to this district's granting of a petition to convert an existing school to a charter school; or
2. This district denies a petition for the establishment of a new charter school for any reason, including, but not limited to, the following:
 - a. Failure by the petition to follow procedures; or
 - b. Failure to provide the required information set forth in this policy.

Upon receipt of an appeal, the state superintendent of public instruction will select a hearing officer to review the action of this board of trustees. The hearing officer must, within thirty (30) days of the request, review the charter petition and convene a public hearing regarding the charter request. The hearing officer must submit a written recommendation within ten (10) days of the public hearing to this board of trustees and to the persons requesting the review.

Within thirty (30) days of receiving the hearing officer's written recommendation, this board of trustees will hold a public hearing. Within ten (10) days of the public hearing this board of trustees will either affirm or reverse its initial decision. The decision of this board of trustees will be in writing and contain findings explaining the reason(s) for its decision. This board of trustees may take the following actions:

1. Affirm its initial decision to authorize the conversion of an existing school to a charter school; in this event, the charter is granted and there is no further appeal process.
2. Affirm its initial decision to deny the formation of a new charter school; in this event, the decision may be appealed to the State Board of Education.
3. Reverse its initial decision and deny the conversion of an existing school to a charter school; in this event, the decision is final and there is no further appeal process.
4. Reverse its initial decision and approve the formation of a new charter school; in this event, the charter will be granted and there is no further appeal process.

APPEAL TO THE STATE BOARD OF EDUCATION

In the event this board of trustees affirms its initial decision denying the formation of a new charter school or revokes or non-renews an existing charter, or does not approve a revision of the charter, the petitioner may appeal this board of trustees' decision to the State Board of Education. On appeal to the State Board of Education, the following procedure will be used:

1. The State Board of Education will hold a public hearing at its next regular board meeting.

2. The State Board of Education will approve the petition for the establishment of a new charter under either of these circumstances:
 - a. The State Board of Education determines that this district failed to appropriately consider the charter request; or
 - b. The State Board of Education determines that this board of trustees acted in an arbitrary manner in denying the request.
3. The decision of the State Board of Education may be appealed in accord with the Idaho Administrative Procedures Act (see “Motion to Reconsider and Judicial Review”). Either the petitioner or the district may appeal the State Board of Education’s decision to grant or deny a charter.

A charter school approved by the State Board of Education will qualify for all funding available to other charter schools. The State Board of Education will assume the role of the chartering entity. Employees of a charter school authorized by the State Board of Education will not be considered employees of this school district.

MOTION TO RECONSIDER AND JUDICIAL REVIEW

The petitioner or the district may file a motion with the State Board of Education for reconsideration of the State Board of Education’s decision to grant or deny a charter. A motion for reconsideration must be filed within fourteen (14) days after the State Board of Education has issued its decision to grant or deny the charter. If the State Board of Education has not issued a decision within twenty-one (21) days of when the motion for reconsideration was filed, the motion is automatically denied.

A motion for judicial review must be filed in district court within twenty-eight (28) days of the issuance of the State Board of Education’s decision to grant or deny a charter.

REVOCAION OF CHARTER SCHOOL STATUS

This district is responsible for ensuring that each charter school it approves meets the terms of the charter, and operates in accordance with the state educational standards of thoroughness. Complaints against the charter school by parents, patrons, and students will be investigated by the district, as appropriate. A charter approved by this district may be revoked if it is determined by this district that any of the following has occurred:

1. The charter school committed a material violation of any condition, standard or procedure set forth in the approved charter.
2. The charter school failed to substantially meet any of the student educational standards identified in the approved charter.
3. The charter school failed to meet generally accepted accounting standards of fiscal management.

- 4. The charter school failed to submit required reports to this district.
- 5. The charter school has violated any provision of law.

Generally, the board of trustees will not determine whether a charter should be revoked prior to notifying the charter school of the defect(s), giving the charter school an opportunity to cure the defect(s), and following a public hearing on the matter. The public hearing shall be conducted by the board of trustees, or designated hearing officer, in accordance with Idaho Code Section 67-5242 on contested cases. Reasonable notice and opportunity to reply shall include, at a minimum, written notice setting forth the basis for considering revocation, a period of not less than thirty (30) days of the receipt of the written reply. The board of trustees will issue a written decision within thirty (30) days of the public hearing regarding whether the charter will be revoked, and the decision will set forth the reasons for the revocation.

However, if the district reasonably determines that the continued operation of the public charter school presents an imminent public safety issue, the board of trustees can immediately revoke the charter.

A decision by this district to revoke a charter may be appealed to the State Board of Education. The procedure set forth under the section “Appeal to the State Board of Education” will be used.



LEGAL REFERENCE:

Idaho Code Sections

- 30-3-1, *et seq.*
- 33-203
- 33-310
- 33-509
- 33-512(6)
- 33-1401, *et seq.*
- 33-1612
- 33-5101, *et seq.*
- 33-5201, *et seq.*
- 59-1302(15)
- 63-3622(o)
- 67-5201, *et seq.*

Idaho Special Education Manual, September 2001

ADOPTED: November 11, 2003

AMENDED: October 12, 2004; December 13, 2005

ATTACHMENTS:

- Application for Employee Transfer from a Public Charter School
- Application for Student Transfer from a Public Charter School

