

## Charter Schools

### Definitions

"Charter" means the grant of authority approved by the District to the board of directors of a charter school.

"Charter holder" means the charter school's board of directors to which a charter is granted. A charter holder may hold multiple charters provided each charter school has its own performance certificate and each charter school is independently accountable for its academic, financial, and operational outcomes.

"Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment.

### Review of Charter Petitions

Any group of persons, upon creating a nonprofit corporation pursuant to section 33-5204, Idaho Code, may petition to establish a new charter school, or to convert an existing traditional District school to a charter school.

The purpose of the charter petition is to present the proposed charter school's academic and operational vision and plans, demonstrate the petitioner's capacities to execute the proposed vision and plans, and provide the Board a clear basis for assessing the applicant's plans and capacities.

The Board shall not approve a charter:

1. That results in the conversion of all District schools into charter schools.
2. Which converts any private or parochial school to a charter school.
3. To a for-profit entity or any school that is operated by a for-profit entity.
4. For a charter school whose physical location is outside the boundaries of the District.
5. For a virtual charter school.

The Board shall not require any District employee to be involuntarily assigned to work in a charter school, nor shall it require any student enrolled in the District to attend a charter school.

The submission of a petition to establish a charter school and the consideration of that petition shall be conducted in accordance with state law and administrative rules. Charter schools authorized by the Board shall require Board approval to begin educational instruction for the school year.

The Board may designate a charter school it authorizes as a local education agency (LEA) with the concurrence of the charter school board of directors and notification to the State Department of Education, as required by IDAPA 08.02.04.500.

If the District denies a petition to authorize a charter school, the District shall promptly prepare for petitioners a written notice of its decision to deny the charter containing all items required by IDAPA 08.02.04.205.

Authorizer Fee

Each charter school authorized by the District shall pay an authorizer fee to the District, to defray the actual documented cost of monitoring, evaluation, and oversight. Each charter school's board of directors may direct up to ten percent of the fee to pay membership fees to an organization or association that provides technical assistance, training, and advocacy for Idaho charter schools. Unless the District declines payment, such fee shall be paid by March 15 and shall be calculated as required by I.C. 33-5208. The District shall notify the charter school, then the State Department of Education if the authorizer fee has not been received by the deadline.

Charter School Operations and Oversight

The Board shall be responsible for ensuring that each charter school program approved by the Board meets the terms of the charter, complies with the general education laws of the state unless specifically directed otherwise by I.C. 33-5210, and operates in accordance with the state educational standards of thoroughness. The Board shall ensure that charter schools located in its jurisdiction have nondiscriminatory enrollment practices.

The governing board of a charter school shall be responsible for ensuring that the charter school is adequately staffed, and that such staff provides sufficient oversight over all charter school operational and educational activities. In addition, the governing board of a charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. The governing board of the charter school shall promptly notify the District of any revisions or amendments to the articles of incorporation or bylaws.

All charter schools authorized by the Board must have an admissions procedure approved by the Board which complies with Idaho law and administrative rules. Such charter schools shall either adopt the State Board of Education's model admission procedures, or demonstrate a reason for varying from these model procedures. Charter schools authorized by the Board shall establish an admission preference for students residing in the attendance area of the charter school and may establish additional admission preferences as authorized by I.C. 33-5206.

The governing board of a charter school must submit the audit of the fiscal operations to the Board each year.

The board of directors of a charter school authorized by the District shall function independently of the Board, except as provided in the charter. The District shall have no liability for the acts, omissions, debts, or other obligations of any charter school, except as may be provided in a charter authorized by the Board.

Performance Certificate and Accountability

The District shall continually monitor the performance and legal compliance of each charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the performance certificate. The performance certificate shall be signed by the Board Chair and the president of the charter school's governing body, and shall clearly set forth the academic and operational performance expectations and measures by which the charter school will be judged and the administrative relationship between the District and charter school, including each party's rights and

duties. The District shall submit to the State Board of Education written notification of the performance certificate execution, including a copy of the performance certificate as required by I.C. 33-5205B.

No charter school may commence operations without a performance certificate executed and approved in an open meeting of the Board. A charter school's petition shall not serve as the school's performance certificate.

The performance provisions within the performance certificate shall be based upon a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the Board's evaluations of each charter school it authorizes. The performance framework shall include the following indicators, measures, and metrics:

1. Student academic proficiency;
2. Student academic growth;
3. College and career readiness (for high schools); and
4. Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the performance certificate.

If the District approves additional, rigorous, valid and reliable indicators proposed by a charter holder, the charter holder is allowed to include such indicators as part of its performance framework.

The Board, in conjunction with the charter holders of each charter school authorized by the District, shall set measurable performance targets for each charter school. The performance expectations and measures set forth in the performance certificate shall include, but need not be limited to, applicable federal and state accountability requirements and goals for achievement. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

The Board shall direct the Superintendent or his or her designee to analyze and report all data from state assessments for each District-authorized charter school in accordance with the performance framework. The governing board of a charter school shall be responsible for ensuring that the school is in compliance with the terms and conditions of the charter school's performance certificate and for promptly notifying the Board if it becomes aware that the charter school is not operating in compliance with the terms and conditions of its performance certificate. The governing board of the charter school shall also be responsible for advising the District with follow-up information as to when, and how, such operational issues are finally resolved and corrected.

The Board shall issue a charter school performance report annually. The performance report shall summarize the charter school's performance record to date, based upon the data required by I.C. 33-5209B and the performance certificate, and shall provide notice of any weaknesses or concerns determined by the Board concerning the charter school that may jeopardize its position in seeking renewal, if not timely rectified. The charter holder shall have 30 days to respond to the performance report and submit any corrections or clarifications for the report. The performance report shall also be made available to the public.

The Board may require each charter school it oversees to submit an annual report to assist the District in gathering complete information about each school consistent with the performance framework. The Board may also reasonably request that a charter school provide additional information to ensure that the charter school is meeting the terms of its performance certificate.

The Board shall direct the Superintendent to notify the appropriate parties as required by I.C. 33-5209C if the following occurs:

1. The Board has reason to believe a charter school it oversees cannot remain fiscally sound for the remainder of its certificate term;
2. The Board has reason to believe that a charter holder or charter school has violated any provision of law;

#### Charter School Replication

The Board may authorize petitions to replicate an existing charter school within the District. In doing so, the Board shall abide by the requirements of I.C. 33-5205C. In deciding whether to authorize a petition for replication, the Board shall consider:

1. A description of the capacity of the charter holder to successfully replicate an additional school;
2. A description of how the charter holder will manage multiple charter schools while maintaining a high level of academic and fiscal performance in the original charter school and the replication school;
3. A description of how the charter holder will incorporate representation and input in the school operations from the local area where the replication charter school is physically located if the location of the charter school being replicated is outside of the District; and
4. [OTHER]

#### Transfer of a Charter and Performance Certificate

A charter school's charter and performance certificate may be transferred to the Board or from the Board to another chartering authority in accordance with I.C. 33-5205A. Such transfer shall require the agreement of the current authorizer, the receiving authorizer, and the board of directors of a charter school. Such a transfer of a District-authorized charter school may be initiated by the District or by the charter school board.

#### Revisions of Charter and Performance Certificate

A charter school or the District may enter into negotiations to revise a charter or performance certificate at any time. Such revisions must be submitted to the District in writing, and shall be reviewed and considered in accordance with I.C. 33-5206 and IDAPA 08.02.04. The Board may delegate such review to the Superintendent or his or her designee and may choose to conduct a public hearing on the request for a charter or performance certificate revision.

If the proposed revision is denied, then the District shall prepare a written notice of its decision containing all of the reasons for the decision.

Renewal

Following the initial three (3) year term, a District may non-renew or grant renewal for an additional five (5) years. After the initial term, a charter may be renewed for successive five year terms or non-renewed, based upon the performance of the charter school on the performance indicators and on measures and metrics contained in the performance certificate. The District may grant renewal with specific, written conditions for necessary improvements to a charter school. Any such specific, written conditions shall state the date by which the conditions must be met.

The District shall provide renewal application guidance to each charter school it authorizes no later than November 15 before the year in which the school's charter will expire. This guidance shall meet the requirements outlined in I.C. 33-5209B.

No later than December 15, the charter holder seeking renewal shall submit a renewal application to the District pursuant to the renewal application guidance issued by the District. Board shall vote on the renewal application no later than March 15.

In making charter renewal decisions, the District shall abide by the requirements of I.C. 33-5209B.

Revocation and Non-Renewal of a Charter

The Board may revoke a charter in accordance with the requirements of IDAPA 08.02.04.303 and I.C. 33-5209C or non-renew a charter in accordance with the requirements of I.C. 33-5209B. Revocation or non-renewal may be for any reason allowed by state law or administrative rules.

The Board shall provide the charter school with reasonable, written notice of the Board's intent to revoke the charter. Such notice shall include all of the reasons for such proposed action.

If the District revokes or does not renew a charter, the Board shall clearly state, in a resolution, the reasons for the revocation or nonrenewal. The Board shall provide notification of the revocation or non-renewal to the State Board of Education and the charter holder as required by I.C. 33-5209C.

School Closure

Prior to any charter school closure decision, the Board shall direct the Superintendent to develop a charter school closure protocol to ensure timely notification to parents; orderly transition of students and student records to new schools; and proper disposition of school funds, property, and assets in accordance with the requirements of I.C. 33-5212. The protocol shall specify tasks, timelines and responsible parties, including delineating the respective duties of the school and the District.

In the event of a charter school closure for any reason, the District shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

Appeals

The following actions relating to charter schools may be appealed to the State Department of Education or the Board of Education, as appropriate, in accordance with state law and administrative rules.

1. The denial of a petition to form a new charter school or replicate a charter school;

2. The approval of a petition to convert a traditional District school to a charter school over the objection of 30 or more persons or employees of the District;
3. The denial of a charter school's request to revise a charter or performance certificate; and
4. A decision of a District to revoke or not renew a charter.

The Board shall comply with the laws and administrative rules regarding such appeal and shall provide all required documents, hold or participate in any required hearings, conduct any required review and reconsideration of prior decisions, and refrain from prohibited communication with those overseeing the appeal.

Legal Reference:	I.C. § 33-1612	Thorough System of Public Schools
	I.C. § 33-5201 et seq.	Charter schools
	IDAPA 08.02.03.109.02	Legal Compliance
	IDAPA 08.02.04	Rules Governing Charter Schools

Old Policy 1630 Charter Schools

Policy History:

Adopted on: May 8, 2018