

POST FALLS SCHOOL DISTRICT NO. 273

Series 200: Miscellaneous

Policy No. 206.4

Policy Title: Establishment of Charter School

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Charter School

A charter school is a public, nonreligious, publicly funded school which is accountable for the provisions set forth in its petition and performance certificate as negotiated with the District. The charter school shall operate independently within the boundaries of the District, and it shall be responsible for its own operation including, but not limited to, personnel matters, preparation of a budget, and contracted services.

General Powers and Limitations of the Charter School Board of Directors

1. Upon approval of the petition and establishment of a performance certificate, the charter school's board of directors will be public agents required to control their charter school.
2. The charter school must comply with all federal and state laws and applicable rules.
3. The responsibility for identifying the essential laws and regulations, and complying with them, lies with the charter school, not the District.
4. The charter school may not extend the faith and credit of the District to any third person or entity.
5. The charter school may not contractually bind the District with any third party.
6. The charter school shall keep complete and accurate board of directors' minutes and make them available to the public.

District Liability and Charter School Insurance

The Board and the District shall have no liability for the acts, omissions, debts or other obligations of a charter school, except as may be provided in an agreement or contract between the District and a charter school. The charter school shall defend, hold harmless and indemnify the Board against any claim, action, loss, damage, injury liability, cost or expense of any kind of nature, including, but not limited to, attorney's fees and court costs, arising out of the operation of the charter school and/or arising out of the acts of omissions of the agents, employees, invitees or contractors of the charter school.

The charter school also shall secure insurance for property and liability loss, and any other type of insurance necessary to provide coverage for the potential losses described in this paragraph.

Petition to Establish a Public Charter School

Any group of persons may petition to establish a new public charter school. The purpose of the charter petition is to present the proposed public charter school's academic and operational vision and plans, demonstrate the petitioner's capacities to execute the proposed vision and plans and provide the authorized chartering entity a clear basis for assessing the applicant's plans and capacities. An approved charter petition shall not serve as the school's performance certificate.

After receiving the petition, the Board shall follow the timelines and procedures set forth in Idaho Code 33-5205.

Charter Appeal Process

If the Board of Trustees denies a petition for the establishment of a new public charter school, then, per Idaho Code 33-5207, such decision may be appealed to the state superintendent of public instruction within thirty (30) days of the date of the written decision, at the request of the petitioners whose request for a new charter was denied.

Performance Certificate

Within seventy-five (75) days of approval of the charter petition, the Board and the governing board of the approved public charter school shall execute a performance certificate. The performance certificate shall meet the conditions set forth in Idaho Code 33-5205B.

Personnel

Charter school employees are not employees of the District.

Review of the Charter School

The Board shall retain the right to review, at least annually, the degree to which the charter school is meeting the terms of the performance certificate. The Superintendent or designee may have a District representative or an independent evaluator:

1. Visit the charter school;
2. Review the charter school's records and data;
3. Directly survey the charter school's parents/guardians, students, employees;
4. Audit the books of the charter school;
5. Pursue any other reasonable means of determining accountability for the charter petition.

Charter Renewal

A charter may be renewed for an additional five (5) year term of duration. The Board may grant renewal with specific, written conditions for the necessary improvements to the charter. Any such specific, written conditions shall state the date by which the conditions must be met.

The Board of Trustees shall follow the timelines and procedures included in Idaho Code 33-5209B for a decision of nonrenewal of a charter.

Annual Report

A charter school which is approved by the District shall annually submit a report to the District. The report shall:

1. Include an audit of financial operations conducted by an independent auditing firm;
2. Include an audit of the charter school's programmatic operations, which includes a report on student progress as outlined in the school's petition; and
3. Provide for an annual student profile including: socioeconomic data; mobility rates; enrollment and departures; number of special education students, type of disabilities; programs for and dollars spent on special needs students; number of minority students; student achievement and progress; and attendance rates.

The Board shall use the annual report process in determining the renewal status of the charter school.

Charter Revisions

A revision of the terms of the charter shall require the approval of the Board and the charter school Board of Directors.

Termination

The Board may terminate the charter during the term of the charter if the Board finds that the charter school has:

1. Committed a material violation of any condition, standard or procedure set forth in the charter; or
2. Failed to substantially meet any of the student educational standards identified in the approved charter; or
3. Failed to meet generally accepted accounting standards of fiscal management; or
4. Failed to demonstrate fiscal soundness. In order to be fiscally sound, the public charter school must be:
 - a. Fiscally stable on a short-term basis, that is, able to service all upcoming obligations; and
 - b. Fiscally sustainable as a going concern, that is, able to reasonably demonstrate its ability to service any debt and meet its financial obligations for the next fiscal year.
5. Failed to submit required reports to the District; or
6. Violated any material provision of law.

Except in situations of imminent public safety, the Board of Trustee shall follow the times and procedures as set forth in Idaho Code 33-5209B and 33-5209C.

A decision to terminate a charter may be appealed directly to the State Board of Education. Upon termination of the charter school petition, all records of students residing in the District shall be immediately transferred to the District.

DEFINITIONS:

Performance Certificate: A fixed-term, renewable certificate between a public charter school and an authorized chartering entity that outlines the roles, powers, responsibilities and performance expectations for each party to the certificate.

Legal References: Idaho Code 33-5201 to 33-5214

Applicable Procedural Regulations:

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