

The board of trustees recognizes that 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. Therefore, in accordance with the Idaho Charter School Law and district policy, this district may approve public charter schools to operate within the boundaries of the district.

## **DEFINITIONS**

The following definitions apply to this policy as well as to Policies 207, 207P1 and 209.

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, the public charter school commission, an Idaho public college, university or community college; or a private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities.

Career Technical Regional Public Charter School: A public charter secondary school authorized to provide programs in career technical education which meet the standards and qualifications established by the division of career technical education. A career technical regional public charter school may be approved by this district or other authorized chartering entity and, by the terms of its charter, shall operate in association with at least two (2) school districts. Participating school districts need not be contiguous.

Charter: The grant of authority approved by the authorized chartering entity to the board of directors of the 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.

Charter Holder: The public charter school's board of directors to which a charter is granted.

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

Educational Services Provider: A nonprofit or for-profit entity that contracts with a public charter school to provide educational services and resources including administrative support and educational design, implementation or management.

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.

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.

Petition: The document submitted to the board of trustees of this district to request the creation of a 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 public, nonreligious, publicly funded school that is authorized to deliver public education in Idaho and which is accountable for the provisions set forth in its petition and performance certificate as may be negotiated with the district.

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 this district or another school district in this state.

## **AUTHORIZATION AND LIMITATIONS**

The creation of public charter schools is authorized subject to the limitations set forth in state law and district policy. New public charter schools, which may begin educational instruction in any one (1) school year, are subject to the following:

- a. This school district may not be converted to a charter district or any configuration that includes all schools as public charter schools;

- b. For charter schools proposed in this district, a charter must be received by the district no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition, unless the board agrees to a later date; and
- c. To begin operations, a newly chartered public school must be authorized by no later than January 1 of the previous school year.

A public charter school may be formed either by creating a new public charter school or by replicating an existing high-performing public charter school, which charter may be approved by any authorized chartering entity, or by converting an existing traditional public school to a public charter school, which charter may only be approved by the board of trustees of this school district.

The board of trustees will not approve any charter:

- a. Which provides for the conversion of any existing private or parochial school to a public charter school.
- b. To a for-profit entity or any school that is operated by a for-profit entity, provided, however, nothing herein shall prevent the board of directors of a public charter school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.
- c. That is for a public charter school where the public charter school's physical location is outside the boundaries of this school district.

Procedures for establishing a public charter school in this school district are set forth in Policy 207 and 207P1. Public charter schools authorized by the board of trustees of this district may also be designated by the board of trustees as a local education agency (LEA), with the concurrence of the public charter school board of directors. Otherwise, the public charter school shall be included in this district's LEA.

Upon approval of a petition, the board of trustees may establish reasonable pre-opening requirements or conditions to monitor start-up progress of newly approved public charter schools and ensure that they are prepared to open smoothly on the date agreed, and to ensure that each school meets all building, health, safety, insurance and other legal requirements for school opening. The pre-opening requirements may include some or all of the items listed on the Charter School Opening Checklist on the SDE's website ([www.sde.idaho.gov/school-choice/charter/files/start-charter/general/Charter-School-Opening-Checklist.pdf](http://www.sde.idaho.gov/school-choice/charter/files/start-charter/general/Charter-School-Opening-Checklist.pdf)).

The board is responsible for assuring that all public charter schools it approves operate at all times in compliance with the terms of the approved charter and performance certificate, and that such schools operate in accordance with the general education laws of Idaho, the state educational standards of thoroughness as defined in Idaho law, and other applicable requirements of Idaho law and rules promulgated by the State Board of Education. However, the public 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.

**LEGAL RESPONSIBILITIES, GENERAL POWERS, AND LIMITATIONS OF PUBLIC CHARTER SCHOOLS**

Upon approval of the petition and performance certificate, the charter school board of directors will be deemed public agents authorized by this district, the Public Charter School Commission 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. Public charter schools are required to comply with all federal and state laws and regulations, including but not limited to the Individuals with Disabilities Education Act (IDEA), and the Idaho Charter School law, Chapter 52, Title 33, Idaho Code.

A charter holder may not operate enterprises other than the public charter school(s) for which it has been authorized. The charter school may not extend the faith and credit of the district to any third person or entity, nor may it contractually bind the district with any third party.

The charter school shall comply with requirements for open public meetings and shall keep complete and accurate board of directors’ minutes and make them available to the public.

**DISTRICT LIABILITY AND CHARTER SCHOOL INSURANCE**

Neither the board of trustees nor the district will be responsible or liable for any acts, omissions, debts, or other obligations of a public charter school, except as may be provided in a charter or contract approved by the district. The district will likewise not be responsible or liable for the acts, omissions, debts or other obligations of a public charter school located in this district that has been approved by an authorized chartering entity other than the board of trustees of this district. 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 or 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 or omissions of the agents, employees, invitees or contractors of the charter school.

A public charter school must also secure insurance for liability and property loss, and by other type of insurance necessary to provide coverage for potential losses. A charter school which converts an existing school within the district to a charter school shall list the [name of school district].

## **REVIEW OF 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 do any of the following, provided the charter school is notified of the specific nature of the concern and the concern is substantial:

- Visit the charter school;
- Review the charter school’s records and data;
- Directly survey the charter school’s parents/guardians, students and employees;
- Audit the books of the charter school;
- Pursue any other reasonable means of determining accountability for the charter petition.

Any such request by the superintendent or designee must be reasonable in terms of the timing and amount or types of information requested.

## **ANNUAL REPORT**

A charter school which is approved by the district shall annually submit a report to the district board of trustees. The report must include all of the following:

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

The board will use the annual report process in determining renewal status of the charter school.

## **ADMISSION REQUIREMENTS**

Admission to a public charter school will not be determined according to the place of residence of the student, or of the student’s parent or guardian within the district, except that a new, replication or conversion public charter school must adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school. The board of trustees will not require any student enrolled in this district to attend a public charter school.

**USE OF DISTRICT SERVICES AND/OR FACILITIES**

A public charter school may contract with the district to provide services or facilities to the charter school. The district will charge for the services or facilities at a rate which is stipulated in the contract. If the charter school wishes to use a district facility, the parties will negotiate a contract which will, where applicable, include but not be limited to the following:

- identification of the facility;
- lease rate for the facility;
- outlining of the permissible use;
- provisions for joint inspection and notation of the initial condition of the building;
- limitations of the permissible alterations of the facility;
- allowance for district inspection of the facility;
- determination of the operational costs to be paid by the parties, including but not limited to utilities, maintenance, and custodial services; determination of the manner in which the building must be restored to its original condition at the end of the leasing period;
- provisions for alternative arrangements or termination of the charter school in the event the facility is damaged or destroyed; and
- provisions for the terms, conditions and coverage of property and liability insurance.

**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. The staff of a public charter school shall be considered a separate bargaining unit for the purposes of collective bargaining.
3. All charter school teachers and administrators will be employed on a written contract 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 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.
9. The board of directors of the public charter school shall provide coverage for their employees with the public employee retirement system, federal social security, unemployment insurance and worker's compensation insurance.

**TRANSFER OF CHARTER**

A charter and performance certificate for a public charter school may be transferred to, and placed under the chartering authority of, any authorized chartering entity if the current authorizer, the receiving authorizer, and the board of directors of the public charter school all agree to such transfer, including any revision to the charter and performance certificate that may be required in connection with such transfer. However, a charter and performance certificate may not be transferred to a school district board of trustees in which the public charter school is not physically located. A request to transfer a charter may be initiated by the board of directors of a public charter school or by the authorized chartering entity with chartering authority over the charter of such public charter school.

A public charter school, authorized by any authorized chartering entity other than the board of trustees of this district, which has a primary attendance area located within more than one (1) school district, may transfer the physical location of its public charter school within its primary attendance area to locate the facilities within the boundaries of another school district within the primary attendance area if the authorized chartering entity, the board of trustees of each of the relevant school districts and the board of directors of the public charter school all approve of such transfer of facilities location, and if the authorized chartering entity approves any revisions to the charter that may be required in connection with such transfer.

If all parties fail to reach agreement in regard to the request to transfer a charter and performance certificate, as required herein, then the matter may be appealed directly to the State Board of Education.

**LEGAL REFERENCE:**

Idaho Code Sections

33-5201, et seq. (Idaho Charter School Law)

IDAPA 08.02.03 (Rules Governing Thoroughness)

IDAPA 08.02.04 (Rules Governing Public Charter Schools)

Idaho Special Education Manual, 2018

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**AMENDED: March 10, 2008**

**AMENDED: November 9, 2009**

**AMENDED: April 12, 2021**

**ATTACHMENTS:**

Application for Employee Transfer from a Public Charter School (Policy 206F1)

Application for Student Transfer from a Public Charter School (Policy 206F2)



