

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, the board may approve public charter schools to operate within the boundaries of the district.

DEFINITIONS

The following definitions apply to this policy.

Application: The document submitted to the authorizer to request the creation of a public charter school.

Authorizer: 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.

Charter: The grant of authority approved by the authorizer to the charter holder.

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 by the board to become a public charter school.

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

Founder: A person who makes a material contribution toward the establishment of a public charter school and who is designated as such by the charter holder.

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 authorizer that outlines the negotiated roles, powers, responsibilities and performance expectations for each party to the certificate.

Public charter school: A school that is authorized pursuant to chapter 52, title 33, Idaho Code, to deliver public education in Idaho.

Traditional public school: Any school that is operated and controlled by this district or another school district in this state.

Virtual School: A public charter 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. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management. Students enrolled in a virtual school may meet at the same location and time while receiving virtual instruction.

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 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 with the district as authorizer, an application must be received by the board no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the application, 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, unless the board agrees to a later date.

A public charter school may be formed either by creating a new public charter school or by replicating an existing public charter school or by converting an existing traditional public school to a public charter school.

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; provided, however, nothing herein shall prevent the board of directors of a public charter school from legally contracting with an educational service provider that provides comprehensive educational administrative and management services or 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.

A charter holder may not operate enterprises unrelated to the educational purposes for which the public charter school has been authorized. In cases of related enterprises, including but not limited to daycare and after school programs, no state education funding may be used to subsidize such related enterprises. Public charter schools authorized by the board of trustees will be designated as a local education agency (LEA) as defined in 34 CFR 300.28, unless the charter holder and the board agree that the public charter school will be included in the district’s LEA.

Notice of such agreement will be provided to the state department of education no later than February 1 of the proceeding school year.

APPLICATION AND APPROVAL PROCEDURES

The board will establish a transparent application process to establish new public charter schools in the district where the board is the authorizer. At a minimum, applicants must provide the information required by Idaho Code §33-5205(2). Applications for virtual schools must also provide the information required by Idaho Code §33-5205(3).

The board will afford applicants a hearing prior to making a decision on the application with an opportunity in a public forum for local residents to learn about and provide input on the application. The board will provide each applicant with its detailed analysis of the application and grant the applicant at least fourteen (14) days to provide additional materials to address any identified deficiencies. Applications will be approved or denied by the board no later than ninety (90) days after the application is submitted, unless the applicant agrees to a later date. Decisions of the board approving or denying an application shall be made in open session by resolution. Decisions approving an application may be made without condition or with specific and relevant pre-opening conditions the board finds necessary in the applicant’s unique case to ensure the school can meet its academic and financial requirements.

In case of a denial of an application, the resolution shall include all reasons for denial. The board will prepare a written notice of its decision denying an application within fourteen (14) days, including all reasons for the denial and a statement that explains the criteria and standards considered relevant by the board in its denial, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the board. In accordance with Idaho law, a decision denying the conversion of an existing traditional public school within the district to a charter school or approving an application for a public charter school is not subject to appeal.

An approved initial charter shall be granted for a term of six (6) operating years. The charter will include the beginning and ending dates of the charter term. An approved school may delay its opening for one (1) school year to plan and prepare for the school’s opening. A delay greater than one (1) year requires an extension from the board. In unique circumstances (i.e. those where the application proposes an innovative or novel model), the board may grant a pilot charter with an initial term of three (3) operating years. The pilot charter will be used in limited circumstances where the board provides sufficient documentation and rationale, based on the application and information provided at the public hearing on the application, justifying the shorter term.

TRANSFER OF CHARTER

The board may approve the transfer of a charter from another authorizer by written agreement with the charter holder. Such agreement may include revisions to the charter and performance certificate. The board will also consider transfer requests from charter holders of charters the board has authorized. Such transfer requests will be approved or denied within seventy-five (75)

days of receipt of the request. If the board denies the request, it will provide written justification of its denial.

PERFORMANCE CERTIFICATE

Within seventy-five (75) days of approval of a charter application, the board and the charter holder shall negotiate and execute a performance certificate that clearly sets forth the agreed-upon academic and operational performance expectations and measures, consistent with those outlined by the public charter school in its application. The performance expectations and measures set forth in the performance certificate shall include:

1. Student academic proficiency;
2. Student academic growth;
3. College and career readiness (for high schools);
4. The actual and potential at-risk and economically disadvantaged makeup of the student body population, as defined in Idaho Code §33-1001, for all grade levels; and
5. Board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the performance certificate.

The performance certificate must be signed by the board chairman and a designated representative of the charter holder. Public charter schools may not commence operations until the performance certificate is fully executed.

MONITORING

The board shall retain the right to continually monitor the performance and legal compliance of charter schools it authorizes. This monitoring obligation includes collecting and analyzing data and conducting prearranged site visits, if needed, to support ongoing evaluation of the performance certificate. The board also retains authority to conduct oversight activities that enable it to fulfill its responsibilities, including conducting appropriate inquiries and investigations, provided that such oversight activities do not unduly inhibit the autonomy granted to public charter schools. If the board has reason to believe that a charter holder or public charter school has violated any provision of law, it will notify the charter holder and the Public Charter School Commission.

In conducting oversight and monitoring activities, the superintendent or designee is authorized to 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 to the performance certificate.

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

The charter holder is responsible for promptly notifying the board of the following with appropriate documentation:

1. If the charter holder becomes aware that the school is not operating in substantial compliance with the terms and conditions of its performance certificate;
2. If any revisions or amendments are made to the articles of incorporation or bylaws;
3. If the school’s accrediting body finds that the school has failed to meet or maintain full accreditation requirements;
4. If any complaints are filed against the school, including but not limited to lawsuits and complaints filed with the Idaho professional standards commission relating to school employees.
5. If there are changes to any school board members or their contact information; or
6. If there are any early warning signs of distress as outlined in the performance certificate, including any excessive reductions in enrollment of all students or at-risk students; excessive staff turnover; or excessive governance board turnover of the charter holder in any school year or between school years.

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.



LEGAL REFERENCE:

Idaho Code Sections

33-5201, *et seq.* – Idaho Charter School Law

IDAPA 08.02.03 – Rules Governing Thoroughness

ADOPTED: January 21, 2025

AMENDED:

