

CHARTER SCHOOLS

DATES (Adopted/Revised)	GUIDE WORDS
Adopted January, 1999 Revised November, 2004 Revised January, 2005 Revised December, 2005 Revised March, 2008	Charter Schools

Charter Schools

A charter school is a public, non-religious, publicly funded school that is accountable for the provisions set forth in its charter petition and its contract as approved by the local board of trustees. The charter school shall operate independently and shall be responsible for its own operation, both fiscal and programmatic, including, but not limited to, personnel matters, preparation of a budget, and contracted services. A charter school shall be considered a public school for all purposes.

A charter school may be formed by creating a new school or converting an existing public school to charter status. The district cannot authorize the conversion of any private or parochial school to a charter school. A charter school cannot be operated for profit.

A charter school shall be subject to all federal and state laws including, but not limited to, laws concerning discrimination on the basis of gender, age, race, color, national or ethnic origin, exceptionality, religion, family relationship, or personal or political patronage. A charter school is exempt from the policies of School District No. 25, except School District No. 25 Charter School Policy 6118, and rules of the State Board of Education and Title 33, Chapter 52, Idaho Code.

A charter school must accomplish any of the following:

1. Improve student learning;
2. Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students;
3. Include the use of different and innovative teaching methods;
4. Utilize virtual distance learning and on-line learning;
5. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
6. Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;
7. Hold the schools established under this chapter accountable for meeting measurable student educational standards.

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Petitioners for a public charter school shall:

1. Prepare a petition in accordance with this policy as well as with State Board of Education 08.02.04 - Rules Governing Charter Schools, Section 200.01 through 03 - PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL AND SECTION 201.01 and 02-POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY and Section 33-1612 and 33-5205, Idaho Code. An authorized chartering entity is defined in Section 33-5202A(1), Idaho Code, and means either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission as defined in section 33-5213, Idaho Code. A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. If the petition is then sent to the public charter school commission, documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.
2. Prior to filing a petition with an authorized chartering entity, submit the proposed draft petition to the State Department of Education, which shall conduct a sufficiency review of the draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the State Board of Education, and contains the information required by Section 33-5205, Idaho Code.
3. The public charter school petition shall include the following information:
 - Charter School Petition cover page from School District No. 25 policy.
 - Charter School Name.
 - Authorized Chartering Entity.
 - **Elector petition forms** with no less than 30 signatures of qualified electors and proof of elector qualifications; forms available at <http://www.sde.state.id.us/instruct/charter>.
 - **Articles of incorporation and bylaws** of the nonprofit corporation.
 - Detailed mission and vision statements.
 - Description of the school's educational program and how learning will occur.
 - Description of the use of different and innovative teaching methods.

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- The school's goals and how all Educational Thoroughness Standards (as defined in Section 33-1612, Idaho Code) shall be fulfilled.
- Measurable student educational standards which describe the extent to which all students of the charter school demonstrate they have attained the skills and knowledge specified as goals.
- Various methods by which student progress is to be measured in meeting educational standards.
- A provision by which students will be tested with the same standardized tests as other Idaho public school students.
- A provision that ensures the **charter school shall be accredited** as provided by rule of the Idaho State Board of Education.
- Detailed plans for financial management, including the budget for the first year of operation (IFARMS format).
- Description of the **governance structure of the school**, including the person or entity that shall be legally accountable for the operation of the school. Include names, positions, and phone numbers.
- An outline of the qualifications to be met by individuals employed by the school.
- A provision that ensures all staff members will submit a criminal history check fingerprint card to the Office of Certification at the State Department of Education.
- A statement that all teachers and administrators will be on written contract approved by the Superintendent of Public Instruction.
- Procedures to ensure health and safety of students and staff.
- A plan for the denial of school attendance to any student who is an habitual truant, as defined in Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.
- Description of **admission procedures, including a provision for over-enrollment**, which specify equitable selection processes for the initial year, as well as subsequent years of operation. In addition, include **enrollment capacity of the charter school**.
- Description of how waiting lists will be developed and renewed annually.
- Anticipated enrollment.

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- Description of the manner in which citizens residing in the compact and contiguous attendance area of the charter school will be made aware of enrollment opportunities.
- Description of the manner in which the annual audit of financial and programmatic operations is to be conducted.
- An outline of procedures for suspension, expulsion and reenrollment of students.
- A provision that ensures all staff members will be enrolled in and covered by all of the following:
 - Public Employee Retirement System (PERSI)
 - Federal Social Security
 - Unemployment Insurance / Worker's Compensation
 - **Health insurance**
- A provision for a **public school attendance alternative** for students residing within the school district who choose not to attend the charter school.
- Description of the **transfer rights of any employee** choosing to work in a charter school that is approved by the board of trustees of a school district, and the right of this employee to return to any non-charter school in the district.
- A provision that ensures that the staff of the charter school shall be considered a separate unit for the purposes of collective bargaining.
- An outline of provisions for how special education services will be provided:
 - Identification / Evaluation
 - Programming
 - Individual Education Plans (IEP)
 1. Development
 2. Review
 3. Revision
 - Services
 - Discipline Policy
 - Budget
 - Transportation for special needs students (the charter school must provide transportation unless a special needs student is capable of getting to school in the same manner as other students)
- An outline of **transportation services** for students, including estimated first year cost.
- An outline of provisions for **child nutrition**
 - School Lunch Program
 - Determining eligibility for Free and Reduced Price Meals.
 - Verification reporting and recordkeeping

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NOTE: The School District No. 25 Board of Trustees will not be obligated to enter into service contracts with the public charter school for special services, transportation, or food service.

- Description of the manner in which **gifted and talented students** will be served including a plan for identification and service.
 - Description of the manner by which **Limited English Proficiency** services will be provided.
 - Description of **facilities** to be used by the school and how they comply with applicable local, state, and federal codes and regulations.
 - An outline of the manner in which **administrative services** of the school are to be provided.
 - Description of **potential civil liability effects** upon the school and upon the chartering entity.
 - **Documentation of organization under the Idaho Nonprofit Corporation Act.**
 - **Documentation regarding insurance for liability and property loss.**
 - A plan for working with parents who have **students** who are dually enrolled pursuant to Idaho Code.
 - A plan for termination of the charter by the board of directors, to include:
 - Identification of who is responsible for dissolution of the charter school;
 - A description of how payment to creditors will be handled;
 - A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and
 - A plan for the disposal of the public charter school's assets.
 - A provision that ensures a **policy of Internet safety** for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors (**Children's Internet Protection Act**).
4. After a sufficiency review has been facilitated by the State Department of Education and findings and recommendations have been addressed, submit ten (10) copies of the public charter school petition to the Clerk or Assistant Clerk of the School District No. 25 Board of Trustees, School District No. 25, 3115 Poleline Rd., 83201, no later than 4:30 p.m. on September 1. A petition 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 (Idaho Code). Follow the timeline and procedures established in State Board of Education 08.02.04 - Rules Governing Charter Schools, Section 205.01 through 05 and promptly notify the State Board of Education that a petition has been filed with the Board

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of Trustees of School District No. 25. Upon approval by the authorized chartering entity, the petitioner is required to submit a signed copy of the Tracking Form with a copy of the charter to the State Board of Education and the State Department of Education (forms available at <http://www.sde.state.id.us/instruct/charter>).

5. Submit background checks on all founding members at the time the petition is filed with the Clerk or Assistant Clerk for the Board of Trustees.

General Powers and Responsibilities of the Charter School Board of Directors

1. Upon approval of the petition and contract, the charter school's board of directors will be public agents responsible for their charter school.
2. The charter school's board of directors shall not receive compensation nor benefit monetarily from the charter school or have any other pecuniary interest as defined in 33-5204.5 (Idaho Code).
3. The charter school's board of directors shall act as public agents to control the charter school and have the same responsibilities and liabilities of any governing board of public education.
4. The charter school must comply with all federal and state laws.
5. The responsibility for identifying the essential laws and regulations, and complying with them, lies with the charter school, not the District.
6. The charter school may not extend the faith and credit of the District to any third person or entity.
7. The charter school may not contractually bind the District with any third party.
8. The charter school shall keep complete and accurate board of directors' minutes and make them available to the public.
9. The charter school's board of directors shall be responsible for ensuring that the public charter school is adequately staffed and that such staff provides sufficient oversight over all public charter school operational and educational activities.
10. The charter school's board of directors shall be responsible for ensuring that the school is in compliance with all of the terms and conditions of the charter approved by the School District No. 25 Board of Trustees as reflected in the final approved petition filed with the State Board of Education.
11. The charter school's board of directors shall submit an annual report to the School District No. 25 Board of Trustees.
12. The charter school's board of directors shall be responsible for promptly notifying the School District No. 25 Board of Trustees if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its charter.

District Liability and Charter School Insurance

Idaho law provides that the Board of Trustees and the District have no liability for the acts, omissions, debts or other obligations of a charter

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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 School District No. 25 Board of Trustees, School District No. 25, and agents of School District No. 25 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. The charter school also shall maintain a policy of general liability, errors and omission, public officers crime/fidelity, student transportation liability and any other type of insurance necessary to provide coverage for the potential losses. A charter school that converts an existing School District No. 25 school to a charter school shall list School District No. 25 as an additional insured.

The charter school shall provide to the District proof of such insurance prior to the opening of the charter school and by the date stipulated in the petition.

Admission Procedures

Charter Schools must follow admission procedures as outlined in State Board of Education 08.02.04 -Rules Governing Charter Schools, Section 203.01 through 12-ADMISSION PROCEDURES.

Students attending public charter schools may dual enroll in School District No. 25 classes and/or extra-curricular activities and be responsible for applicable fees at the same rate as the regular public school students. If enrollment in a specific program reaches the maximum for the program, priority for enrollment shall be given to a student who is enrolled full time in the public non-charter school (33-203, Idaho Code).

Limits to Authorization of Charter School Petitions

Section 33-5203(2), Idaho Code, limits the number of new public charter schools that may be approved for a school year to not more than six (6) statewide and further limits the number of new public charter schools that may be approved for a single school district for a school year to not more than one (1). The State Board of Education shall use the procedure described in 08.02.04-Rules Governing Charter Schools, Section 100.01 through 05.

To institute the approval process with the local board of trustees for the formation of a new public charter school, the petitioners must file a petition with the clerk or assistant clerk of the School District No. 25 Board of Trustees. The School District No. 25 Board of Trustees will only accept charter school petitions by September 1 of a year preceding the planned opening date of the charter school. A petition 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.

Pursuant to 33-5205, Idaho Code, and State Board of Education 08.02.04 -Rules

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Governing Charter Schools, Section 202-PETITION REQUIREMENTS, a petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition. The School District No. 25 Board of Trustees may either: (1) consider the petition and approve the charter; or (2) consider the petition and deny the charter; or (3) refer the petition to the public charter school commission and notify the petitioners of this action.

A petition to convert an existing public school shall be signed by not fewer than 60% of teachers currently employed by the school district at the school to be converted and by one (1) or more parents/guardians of not fewer than 60% of the students currently attending the school to be converted.

The approval of a charter by School District No. 25 Board of Trustees does not provide the petitioners with any right to begin operating the public charter school during a particular school year as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved for a school year as described in State Board of Education 08.02.04 -Rules Governing Charter Schools, Section 100. A public charter school shall be organized and managed under the Idaho nonprofit corporation act.

Charter School Appeal Process

If a petition is denied, then the School District No. 25 Board of Trustees will prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include the reasons for the denial, and shall also include a statement that explains the criteria and standards considered relevant by the Board of Trustees.

The petitioners may appeal the decision of School District No. 25 Board of Trustees within 30 (thirty) days of the date of the written decision in accordance with the procedures described in State Board of Education 08.02.04 -Rules Governing Charter Schools, Section 401 through 402.

Use of District Facilities

A public charter school may contract with School District No. 25 to provide facilities to the public charter school. If the public charter school will use a District facility, the parties will include in the negotiated contract, where applicable, but not limited to, the following:

1. identification of the facility;
2. lease rate for the facility;
3. outline of the condition of permissible use;
4. provisions for joint inspection and notation of the initial condition of the building;
5. limitations of the permissible alterations of the facility;

6. allowance for District inspection of the facility;
7. determination of the operational costs to be paid by the parties, including, but not limited to, utilities, insurance, maintenance and custodial services;

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8. determination of the manner in which the building must be restored at the end of the leasing period;
9. provisions for alternative arrangements or termination of the charter school in the event the facility is damaged or destroyed;
10. provisions for the terms, conditions and coverage of property and liability insurance.

Personnel

1. Public charter school employees are not employees of School District No. 25.
2. The staff of the public charter school shall not be a part of School District No. 25's employees' collective bargaining unit.
3. Employees of a public charter school who desire to be employed by School District No. 25 must apply through the District's equal opportunity employment procedures.
4. Certificated teachers who are hired by School District No. 25 from a charter school shall have their charter school experience count on the salary schedule the same as the certificated employees hired from other school districts.

Review of the Charter School

The School District No. 25 Board of Trustees shall retain the right to review at least annually the degree to which the charter school is meeting the terms of the petition. The Board of Trustees of School District No. 25 may direct the Superintendent to have a District representative or an independent evaluator:

1. visit the charter school;
2. review the charter school's records and data including student achievement data using current district format;
3. directly survey the charter school's parents/guardians, students, and employees;
4. audit the books of the charter school;
5. pursue any other reasonable means of determining accountability for the charter school contract.

To enact any of the above measures, the Superintendent or designee must state the specific nature of the concern and the concern must be substantial. The request must be reasonable in terms of the timing and the amount or types of information required.

Annual Report

Each of the District's charter schools shall annually submit a report to the District by **April 1**. The report shall include:

1. an audit of fiscal operations conducted by an independent auditing firm;
2. an audit of the charter school's programmatic operations, which includes a report on student progress as outlined in the school's petition. The annual programmatic audit shall also include student profile information including: socioeconomic data; mobility rates; enrollment and departures; number of special education students; types of disabilities; programs for and dollars spent on special needs students; number of minority students; student achievement and progress using current district format; and attendance rates.
3. a copy of the public charter school's accreditation report.

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4. information regarding any changes or proposed changes to existing facilities including purchasing/leasing a new facility or acquiring land to build a new facility. Notification should be provided to the Clerk or Assistant Clerk of the Board of Trustees as soon after final arrangements have been made to purchase/lease a new facility or acquire land to build a new facility. The charter school facility must comply with all applicable Idaho Codes and federal laws.

Public Charter School Revisions

A public charter school may submit a reasonable request to revise its charter with the School District No. 25 Board of Trustees, as authorized by Section 33-5209(1), Idaho Code, and State Board of Education 08.02.04 -Rules Governing Charter Schools, Section 302.01 through 05 -CHARTER REVISIONS.

A revision of the terms of the charter petition shall require the approval of the School District No. 25 Board of Trustees and the charter school's board of directors.

A charter for a public charter school approved by the board of trustees of a local school district may be transferred to, and placed under the chartering authority of, the public charter school commission if the board of trustees of such local school district, the public charter school commission, and the board of directors of the public charter school all agree to such transfer, including any revision to the charter that may be required in connection with such transfer. The same applies for transferring a charter school from the commission to the district. 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.

Termination and Non-renewal

If School District No. 25 Board of Trustees has reason to believe that the public charter school has done any of the following, it shall provide the public charter school written notice of the defect and provide a reasonable opportunity to cure the defect:

1. Failed to substantially meet any of the student educational standards identified in the charter petition; or
2. Committed a material violation of any condition, standard or procedure set forth in the charter petition and/or contract; or
3. Failed to meet generally accepted accounting standards of fiscal management; or
4. Violated any provision of law; or
5. Lost substantial support of the school's parents, staff, and/or community; or
6. Failed to submit required reports to the District; or
7. Filed for bankruptcy or financial reorganization and is unable to pay its creditors.

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School District No. 25 Board of Trustees must provide the public charter school with notice of its intent to revoke the charter, which shall be in writing and must include the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice. The public charter school shall provide the local school board with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. The public charter school shall send a copy of the corrective action plan to the State Board of Education.

School District No. 25 Board of Trustees shall conduct a public hearing with respect to its intent to revoke the charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the local school board.

Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. The public hearing shall be conducted by School District No. 25 Board of Trustees or such other person or persons appointed by the local board to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code.

If School District No. 25 Board of Trustees determines that the public charter school has not complied with the corrective action plan and cured the defect at issue, the School District No. 25 Board of Trustees may revoke the charter. Such decision may be appealed to the State Board of Education. The provisions of State Board of Education 08.02.04 -Rules Governing Charter Schools, Section 403.01 through 08 -APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER REVOCATION DECISION, shall govern the appeal.

Upon non-renewal or termination of the charter school contract, all records of students residing in the District shall be immediately transferred to the District.

Upon non-renewal or termination of the charter school contract, the charter school shall pay its creditors, and then transfer ownership to any remaining assets or property to the authorizing entity.

References

Idaho Code: Title 33: Chapter 52

Idaho Code: Title 33: Chapter 1612

State Board of Education 08.02.04 - Rules Governing Charter Schools

School District No. 25

Pocatello, Idaho

CHARTER SCHOOL PETITION

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Cover Page

Name of Charter School: _____

Address of Charter School: _____

School Year the Charter School is requesting to open: _____

Grade Level of the School: _____

Estimated Student Enrollment: _____

Date Charter School Representatives attended SDE-Sponsored Workshop: _____

Date of SDE Sufficiency Review: _____

Note: Provide the documentation and verification of review

Names of Founding Members:

Note: Include background checks upon submission of petition

Charter School Petitioner Representative Information:

Name: _____

Address: _____ City: _____

State: _____ ZIP: _____

Telephone: _____ Fax: _____

E-mail: _____

Idaho Non-Profit Corporation Name: _____
(Idaho Code 33-5204)