

PHILOSOPHY

A charter school is a public, nonreligious, publicly-funded school, which is accountable for the provisions set forth in its charter petition and its contract as negotiated within the District's boundaries. 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 contracting for services.

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 race, color, sex, religion, age, birth, ancestry, national origin, family relationship, personal or political patronage, or disability.

Involvement with the charter school by any student, parent, guardian, or employee must be voluntary. Enrollment must be open to any student who resides within the charter school attendance area. Nonresident students may be admitted to a charter school but priority must be given to admission of resident students. A charter school shall not charge tuition or fees except those fees normally charged by other public schools.

Public charter schools provide opportunities for teachers, parents, students, and community members to establish and maintain public schools that operate independently within the existing public school system in Idaho. Public charter schools also provide a method to accomplish the following:

1. Improved student learning;
2. Increased learning opportunities for all students, with special emphasis on expanded learning experiences for students;
3. The use of different and innovative teaching methods;
4. New professional opportunities for teachers involved;
5. Expanded choices regarding the types of educational opportunities that are available within the public school system; and
6. Public charter schools will be held accountable for meeting measurable student educational standards including, but not limited to those identified in the petition.

DEFINITIONS

Attendance Area - The geographical area designated in the petition from which the proposed new charter school or converted charter school will accept students. The attendance area shall not include out-of-state students.

Charter - The operating plan of a charter school. An approved petition becomes the charter of a charter school and has the force and effect of a legal agreement between the nonprofit corporation and the approving entity.

Converted Charter School - An existing school building in the District that is approved to become a charter school.

Educational Classification Region - The regions designated by the State Board of Education for the purpose of determining the geographic distribution of charter schools within the State of Idaho.

New Charter School - A charter school at a location other than an existing school within the District.

Nonprofit Corporation - The operating entity of a charter school, comprised of a Board of Directors, incorporated under the Idaho Nonprofit Corporation Act.

Resident Student - One who resides, by law, within the charter school attendance area or District.

Petition - The documentation that must be submitted to the Board of Trustees of St. Maries Joint School District No. 41 for approval of a proposed charter school. Once the petition is approved, it becomes the charter of the school and has the force and effect of a legal agreement between the nonprofit corporation and the approving entity.

Student Educational Standards - The extent to which all students of the charter school demonstrate they have attained the skills and knowledge specified as goals in the charter school's educational program.

STATE FUNDING

Charter schools will receive funding based on Average Daily Attendance (ADA), salary-based apportionment, and other state and federal funding as calculated by the State Department of Education. In addition, an approved charter school may accept funds from private persons or organizations, and may make application for federal grant monies. The charter petition shall state that District assets cannot be used as collateral for loans.

NUMBER OF CHARTER SCHOOLS ALLOWED

The number of charter schools approved will be limited as identified in Idaho Code Section 33-5201 et seq.

LIABILITY

A charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a public school district; further, a charter school's employees, directors, and officers have the same immunities as employees, directors, and officers of public school districts and other public schools.

St. Maries Joint School District No. 41 will not be responsible or be liable for any acts, omissions, debts, or other obligations of a charter school, except as provided in a charter approved by St. Maries Joint School District No. 41. Liability and provisions for property loss needs to be documented in the petition.

PETITION TO ESTABLISH A CHARTER SCHOOL

A charter school, if approved, will be valid for a period not to exceed five (5) years. The charter may be renewed one (1) or more times by St. Maries Joint School District No. 41 for a period not more than five (5) years each renewal. The Board of Trustees has full discretion to grant or renew a charter for less than five (5) years. A charter school may not be created by the conversion of any private or parochial school. A charter school will not be granted to or operated by a for-profit entity.

Charter schools may be established as follows:

1. A new charter school may be established at a location other than an existing school within the District. The petition must be signed by not less than thirty (30) qualified electors of the District.
2. A new charter school may be established by converting an existing school within the District to charter status.
 - A. The petition must be signed by not less than sixty percent (60%) of the teachers currently employed by St. Maries Joint School District No. 41 at the school proposed to be converted; and

- B. The petition must be signed by one (1) or more parents or guardians of not less than sixty percent (60%) of the students currently attending the school proposed to be converted.
3. The petitioner will submit seven (7) copies of the petition to the Superintendent or designee for the purpose of verifying that the required number of authorized signatures is present. If the petition lacks the required number of authorized signatures, the petition may be returned to the petitioner. If the signature review process is not complete after fourteen (14) days, or if the petition has met the signature requirements, the Superintendent or designee will automatically forward the petition to the Board of Trustees. Within fourteen (14) days of receiving the petition, the Superintendent or designee will notify the petitioner in writing of the following:
 - A. Whether the signature review process was completed, and if so, whether the petition contained the required number of authorized signatures; and
 - B. The date the petition was forwarded to the Board of Trustees or returned to the petitioner.
4. The Board of Trustees will review all petitions forwarded by the Superintendent or designee as follows:
 - A. Not later than thirty (30) days after receiving a petition, the Board of Trustees will hold a public meeting for the purpose of discussing the provisions of the charter.
 - B. The Board of Trustees will review the petition, and take into account the merits of the petition and the level of employee and parental support for the petition.
 - C. Following a review of the petition and a public hearing, the Board of Trustees will either grant or deny the charter within sixty (60) days of receipt of the petition. The deadline for granting or denying the charter may be extended by the additional sixty (60) days if the petition fails to meet signature requirements or fails to contain all the required information, or if the petitioner and the District agree to the extension. The Board of Trustees will notify the petitioner in writing of its decision to grant or deny a petition, and its reasons, if denying a petition.
5. Prior to the deadline for granting or denying a petition, the Board of Trustees may meet with the petitioner to discuss amendments to any provision proposed in the petition. Amendments to the petition will be in writing and will become part of the

petition. Such amendments may include, but are not limited to, provisions to contract with the District for certain services.

CONTENTS OF PETITION

The Board of Trustees of the District may grant a charter for the operation of a charter school if it determines that the petition contains the following:

1. The number of signatures required;
2. Information regarding the proposed operation and potential affects of the school, including, but not limited to, the following:
 - A. The facilities proposed to be used by the school;
 - B. The manner in which administrative services of the school are to be provided; and
 - C. The potential civil liability effects upon the school and upon the District.
3. Verification that the person or entity making application for a charter school has been properly incorporated under the Idaho Nonprofit Corporation Act pursuant to Idaho Code, Section 30- 3-1, et Seq.;
4. A copy of the non-profit corporation's Articles of Incorporation which must include a statement specifying that the District will be the primary recipient of any and all assets remaining should the non-profit corporation be dissolved;
5. Verification that the treasurer of the Board of Directors for the non-profit corporation submitting the petition has been bonded as required by Idaho Code, Section 33-509;
6. A description of the attendance area from which a new charter school or a converted charter school will accept students. The attendance area shall not include out-of-state students;
7. A statement acknowledging that the charter school will give enrollment preference to students who reside within the charter school's attendance area;
8. Information relating to the site of a converted charter school, including the following:
 - A. A proposed maintenance schedule for upkeep and repairs to the buildings and grounds for the duration of the charter;

- B. A statement acknowledging that an annual buildings and grounds report will be submitted to the Board of Trustees in writing no later than April 30 of each year. The report will detail what repairs and upkeep to the buildings and grounds have taken place, and what repairs and upkeep are anticipated to take place the following year;
 - C. A statement acknowledging that the structure of the charter school site will not be altered without the written approval from the Board of Trustees;
 - D. A statement acknowledging that District personnel and Trustees have the right to inspect the charter school buildings and grounds with or without notice; and
 - E. A statement acknowledging that the converted charter school will be returned to the District in as good a condition as when it was received from the District to be converted to a charter school; this includes situations where the charter has expired or has been revoked or voluntarily relinquished.
9. A statement acknowledging that, with regards to a converted charter school, the nonprofit corporation will provide the District with a damage deposit in the form of a percentage of the insurable replacement value, as determined by the Board of Trustees;
10. A statement acknowledging that the charter school's fiscal year will end June 30 of each year;
11. The following statements:
- A. The petition, if approved, becomes the charter, which constitutes the mutual agreement of the District and the non-profit corporation in whole. No alteration or variation of the terms of the charter and no oral understandings or agreements not incorporated herein, unless converted to writing between the parties, will be binding;
 - B. The failure of the District or of the non-profit corporation to insist upon strict performance of any of the terms of conditions of the charter will not be construed to be a waiver or relinquishment of any such right or responsibility, unless such waiver is agreed to in writing by both parties;
 - C. The non-profit corporation will not, without the written consent of the District, assign the charter in whole or in part; and

- D. The non-profit corporation may contract for related services as necessary;
12. Statement acknowledging those fees, if any, will be charged only for voluntary extracurricular activities and/or for items or services that exceed program and/or class requirements;
 13. Description of the educational program of the charter school, designed, among other things, to identify what it means to be an "educated person" in the twenty-first century and how learning best occurs;
 14. Description of the goals of the charter school's educational program, which must include how all educational thoroughness standards, will be fulfilled. The thoroughness standards include the following:
 - A. Providing a safe environment conducive to learning;
 - B. Empowering educators to maintain classroom discipline;
 - C. Emphasizing the basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work;
 - D. Teaching the skills necessary to communicate effectively;
 - E. Providing a basic curriculum necessary to enable students to enter academic or vocational post-secondary educational programs;
 - F. Teaching the skills necessary for students to enter the workforce;
 - G. Introducing students to current technology; and
 - H. Emphasizing the importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools, and communities.
 15. In addition, the District requires the petition to include a mission statement and a statement of purpose to assist the Board of Trustees in determining how the charter school will strengthen public school education, including:
 - A. The measurable student educational standards identified for use by the charter school;
 - B. The method by which student progress in meeting students' educational standards is to be measured;

- C. An annual report to the Board of Trustees that sets forth student progress based on the charter school's student educational standards;
 - D. A provision by which students of the charter school will be tested with the same standardized tests at the same time as other Idaho public school students; and
 - E. A provision that addresses how the statewide mandated testing program of the District would be coordinated, as well as any additional testing program used by the District.
16. The petition must also address governance structure of the charter school including, but not limited to:
- A. The person or entity that will be legally accountable for the operation of the school and how the person or entity will be appointed or elected;
 - B. The process to be followed by the charter school to ensure parental involvement; and
 - C. The following governance and operational support provisions and show how students will transition in and out of the traditional public schools:
 - i. School-wide governance, including the school calendar and how the charter school will operate on a day-to-day basis;
 - ii. Fiscal affairs, including a proposed budget for the first year of operation;
 - iii. Food services;
 - iv. Ancillary personnel support, including clerical and custodial;
 - v. The method by which public relations will be handled;
 - vi. Educational services to be provided to exceptional children, including gifted and talented services, and

services for students with disabilities, and “Limited English Proficiency” students;

vii. The address and phone number of contact person during application process; and

viii. The qualifications to be met by individuals employed by the charter school. Administrators and instructional staff must be certified or may apply for a waiver or any of the limited certification options provided by State Board of Education rules.

17. In addition, the District requires a petition that addresses the following personnel matters:

- A. Qualifications of non-certified staff;
- B. Method by which staff criminal background checks will occur;
- C. Hiring practices for all employees;
- D. Supervision, evaluation, probation and dismissal for certified and non-certified employees;
- E. State and federal mandates prohibiting discrimination;
- F. Confidentiality of and access to personnel records;
- G. Grievance procedures; and
- H. Use of state-approved contracts for certified employees.

18. The procedures that the charter school will follow to ensure the health and safety of students and staff as required by federal and state laws;

19. Admission procedures, including a provision for over enrollment, which specifies admission, will be determined by lottery or other random method. The petition will describe the random method to be used and set forth procedures for its use;

20. The petition must also address enrollment caps for grade levels and programs, as well as admission of students under the following statutory provisions. Open enrollment pursuant to Idaho Code Section 33;

- A. Dual enrollment pursuant to Idaho Code, Section 33-203; and

- B. Post-secondary enrollment options pursuant to Idaho Code Section 33-5101.
21. The petition must also address the manner in which an annual audit of the financial and programmatic operations of the charter school is to be conducted, including the following:
- A. Charter school will demonstrate in the annual audit a positive fund balance;
 - B. A provision requiring the charter school to annually submit a copy of the written auditor's report to the Board of Trustees setting forth the results of the audit; the audit should be made available to the District as requested;
 - C. The deadline for submitting the report to the Board of Trustees;
 - D. The method by which any deficiencies found by the annual audit will be addressed; and
 - E. A statement acknowledging that the financial portion of the audit will be conducted by an independent source.
22. The petition must also address the following student discipline issues:
- A. Procedure by which the students and parents/guardians will be notified annually of the disciplinary rules, which must be set forth in an age appropriate manner, as required by Idaho Code, Section 33-512(6);
 - B. The procedures, by which students can be suspended, expelled and re-enrolled;
 - C. Procedure for denial of enrollment for disciplinary reasons (Idaho Code Section 33-205); and
 - D. Procedures for disciplining students with disabilities, which procedures comply with the 1997 Individuals with Disabilities Education Act and the State of Idaho Special Education Manual.
23. In addition, the District requires that a petition address the following staffing issues:
- A. A provision which ensures all staff members of the charter school will be covered by the public employee retirement system, federal social

- security, unemployment insurance, and worker's compensation insurance;
- B. The public school attendance alternative for students residing within the District who choose not to attend the charter school; this provision applies to situations where a traditional public school will be converted to a public charter school;
 - C. A provision that states if an employee of the District seeks and obtains employment with a charter school within the District, that entry into that employment agreement with the charter school will be addressed under Board Policy 402.22, "Leave of Absence Without Pay." A certified teacher who is employed by a public charter school and who wishes to return must apply through the District's employment procedures; and
 - D. A provision which ensures that the staff of the charter school will be considered a separate unit for purposes of collective bargaining.
24. The District requires that a petition address the method by which the local education organization will be selected;
25. The District requires that a petition address the procedures to be followed by the charter school and the District to resolve disputes relating to provisions of the charter;
26. The District requires that a petition address the procedure for amending a charter, including the District's right to review the charter any time the Board of Trustees determines that such a review is necessary;
27. The District requires that a petition address the following laws dealing with individuals with disabilities:
- A. The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act (IDEA) and its amendments, and the State of Idaho Special Education Manual;
 - B. Section 504 of the 1973 Rehabilitation Act, including a statement that the chartering entity recognizes that its admissions criteria will not discriminate on the basis of disability; and
 - C. The Americans with Disabilities Act (ADA).

28. Liability and property loss insurance dollars equal or exceed St. Maries Joint School District No. 41's will be acquired by the charter school. The District must be named as an additional insured and/or payable on all policies. Liability coverage shall include but not be limited to: general liability, auto liability, professional liability, and the directors and officers liability, with limits not less than that of the District's insurance coverage. The District shall be given a 60-day notice of cancellation or non-renewal. Coverage must be placed immediately following granting of the charter or on a date acceptable to the Board of Trustees;
29. In addition, the District requires that a petition address the procedure for handling student records, including but not limited to special education records and disciplinary records that addresses the following:
- A. Confidentiality of student records;
 - B. Access to student records;
 - C. Requesting records for students transferring to the charter school;
 - D. Responding to a request for a transfer of student records for a student transferring out of the charter school;
 - E. Compliance with Family Educational Rights and Privacy Act (FERPA);
 - F. Transfer of student and personnel records upon expiration, revocation, or voluntary relinquishment of the charter;
 - G. Procedure for transferring all students' records to the traditional public school serving the attendance area of the charter school within three (3) working days after a charter has expired or has been revoked or voluntarily relinquished; and
 - H. Procedure for transferring personnel records of all charter school personnel who were employed by the District on either an annual or a renewable contract immediately prior to employment at the charter school. The procedure must describe how such records will be provided to the District Office within three (3) working days after a charter has expired or has been revoked or voluntarily relinquished.
30. The District requires that a petition address the following student placement issues:
- A. Transportation for students attending either a converted charter school or a newly established charter school;

- B. Transfer procedure for students attending the charter school who wish to enroll in traditional public schools in the District; and
 - C. Transfer procedure for students attending traditional public schools in the District who wish to enroll in the charter school.
31. Each charter school is exempt from State Board of Education rules governing school districts in Idaho, with the exception of state rules relating to waiver of teacher certification. Any charter school approved by the Board of Trustees must maintain accreditation status.

ADMISSION REQUIREMENTS

Any charter school approved by the District must be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations. It may not charge tuition, levy taxes or issue bonds, and it will not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law. Further, admission to a charter school will not be determined according to the place of residence of the student, or of the student's parent/guardian within the charter area or District. A charter school must adopt and maintain a policy giving admission preference to students who reside within the attendance area of the charter school. The charter school must provide provisions for over enrollment.

EMPLOYMENT REQUIREMENTS

The following provisions apply to any charter school approved by the Board of Trustees:

1. No employee of the District will be involuntarily assigned to work in a charter school;
2. All certified teachers in a charter school approved by the District will be considered public school teachers, but shall not be considered employees of the District;
3. Education experience of certified teachers will accrue for service in a charter school. The experience in a charter school will be counted by the District if the certified teacher returns to a traditional public school in the District; and
4. A certified teacher who is employed by a public charter school and who wishes to be employed by St. Maries Joint School District No. 41 must apply through the District's employment procedures.

NOTICE TO STATE BOARD OF EDUCATION

Upon approval of the charter school petition by the Board of Trustees, the petitioner must provide written notice of the approval, including a copy of the petition, to the State Board of Education.

APPEAL TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

An appeal may be made to the Superintendent of Public Instruction under the following circumstances:

1. Thirty (30) or more persons or employees of the District object to the District's granting of a petition to convert an existing school to a charter school; or
2. The District denies a petition for the establishment of a new charter school for any reason, including but not limited to the following:
 - A. Failure by the petition to follow procedures; or
 - B. Failure to provide the required information set forth in this Policy.

Upon receipt of an appeal, the State Superintendent of Public Instruction will select a hearing officer to review the action of the Board of Trustees. The hearing officer must, within thirty (30) days of the request, review the charter petition and convene a public hearing regarding the charter request. The hearing officer must submit a written recommendation within ten (10) days of the public hearing to the Board of Trustees and to the persons requesting the review.

Within thirty (30) days of receiving the hearing officer's written recommendations, the Board of Trustees will hold a public hearing. Within ten (10) days of the public hearing the Board of Trustees will either affirm or reverse its initial decision. The decision of the Board of Trustees will be in writing and contain findings explaining the reason(s) for its decision. The Board of Trustees may take the following actions:

1. Affirm its initial decision to authorize the conversion of an existing school to a charter school; in this event, the charter is granted and there is no further appeal process.
2. Affirm its initial decision to deny the formation of a new charter school; in this event, the decision may be appealed to the State Board of Education.
3. Reverse its initial decision and deny the conversion of an existing school to a charter school; in this event, the decision is final and there is further appeal process.

4. Reverse its initial decision and approve the formation of a new charter school; in this event, the charter will be granted and there is no further appeal process.

APPEAL TO THE STATE BOARD OF EDUCATION

In the event the Board of Trustees affirms its initial decision denying the formation of a new charter school, or revokes, or non-renews an existing charter, the petitioner may appeal the Board of Trustees' decision to the State Board of Education. If the State Board overturns denial decision, the State Board of Education assumes all responsibilities for the charter school.

REVOCAION OF CHARTER SCHOOL STATUS

The District is responsible for ensuring that each charter school program it approves meets the terms of the charter, and operates in accordance with the state educational standards of thoroughness. Complaints against the charter school by parents, patrons, and students will be investigated, as appropriate. A charter approved by the District may be revoked if it is determined by the District that any of the following has occurred:

1. The charter school committed a material violation of any condition, standard or procedure set forth in the charter petition;
2. The charter school failed to substantially meet any of the student educational standards identified in the charter petition;
3. The charter school failed to meet generally accepted accounting standards of fiscal management;
4. The charter school failed to submit required reports to the District; and
5. The charter school has violated any provision of law.

The Board of Trustees will determine whether a charter should be revoked following a public meeting on the matter, at which time the persons or entity that formed the charter school will have an opportunity to address the Board of Trustees.

A decision by the District to revoke or not to renew a charter may be appealed to the State Board of Education. The procedure set forth under the section "Appeal to the State Board of Education" will be used.

APPLICATION FOR RENEWAL OF CHARTER

Terms of renewal of a charter will be included in the approved petition for a charter.

Policy Cross Reference:**Legal Reference:**

Idaho Code §33-203	Dual Enrollment
Idaho Code §33-509	Duties of the Treasurer
Idaho Code §33-512(6)	District Curricular Materials Adoption Committees
Idaho Code §33-1401 et seq.	Definitions
Idaho Code §33-1612	Thorough System of Public Schools
Idaho Code §33-5101 et seq.	Purpose
Idaho Code §33-5201 et seq.	Short Title
Idaho Code §67-5201 et seq.	Definitions

Policy History:

Adopted:	03/08/1999
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