

Policy 2275

Instruction

Public Charter School Petition

Any group of persons, upon creating a nonprofit corporation pursuant to Idaho Code §33-5204, may petition the district to establish a new public charter school, or to convert an existing traditional public school to a public charter school. The purpose of the petition is to present the proposed public charter school's academic and operational vision and plans and provide the district a clear basis for assessing the applicant's plans and capacities. An approved charter petition will not serve as the school's performance certificate. Prior to submitting a petition to the board of trustees, petitioner(s) must submit one (1) copy of the proposed draft petition to the State Department of Education in accordance with IDAPA 08.02.04.205.

The board of trustees of this 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 verified electors' signatures required.
2. Information regarding the proposed operation and potential effects of the school, including, but not limited to, the following:
 - a. The facilities to be used by the school.
 - b. The manner in which administrative services of the school are to be provided.
 - 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.*, including a copy of the non-profit corporation's articles of incorporation and bylaws.
4. A plan for termination of the charter by the board of directors, to include:
 - a. Identification of who is responsible for dissolution of the charter school;
 - b. A description of how payment to creditors will be handled;
 - c. A procedure for transferring all student records, with notice to parents of how to request a transfer of student records to a specific school; and
 - d. A plan for the disposal of the public charter school's assets, including a statement specifying that the district will be the primary recipient of any and all assets remaining after the non-profit corporation is 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 §33-509.*
6. A description of the attendance area from which a new charter school or a converted charter school will accept 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. When applicable, information relating to the site of a converted charter school, including the following:
 - a. *A five-year (5-year) maintenance schedule for upkeep and repairs to the buildings and grounds.*
 - b. *A statement acknowledging that an annual buildings and grounds report will be submitted to the board of trustees in writing no later than June 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 have the right to inspect the charter school buildings and grounds with or without notice.*
 - 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 regard to a converted charter school, the non-profit 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. A statement acknowledging that the charter school will comply with all requirements of the Idaho open meeting (Idaho Code §§74-201 *et seq.*) and public records (Idaho Code §§74-101 *et seq.*) laws.
12. 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 made in 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 or 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. The non-profit corporation may contract for related services as necessary.
 - d. The non-profit corporation will not discriminate on the basis of race, color, creed, national origin, religion, age, disability, or sex in its educational programs or employment practices.
13. Statement acknowledging that fees, if any, will be charged only for voluntary extracurricular activities and/or for items or services that exceed program and/or class requirements.
14. Descriptions of all of the following:
- a. 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.
 - b. 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:
 - i. Providing a safe environment conducive to learning.
 - ii. Empowering educators to maintain classroom discipline.
 - iii. Emphasizing the basic values of honesty, self-discipline, unselfishness, respect for authority, and the central importance of work.
 - iv. Teaching the skills necessary to communicate effectively.
 - v. Providing a basic curriculum necessary to enable students to enter academic or vocational post-secondary educational programs.

- vi. Teaching the skills necessary for students to enter the work force.
- vii. Introducing students to current technology.
- viii. Emphasizing the importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools, and communities.

In addition, this district requires a petition to include a mission statement and a statement of purpose to assist the board of trustees in determining how the charter school will fit into the district's philosophy for strengthening public school education in this district.

- c. The measurable student educational standards identified for use by the charter school. *In addition, this district requires a petition to include an assessment of how the charter school's student performance standards will meet or exceed this district's existing standards required of all students in the traditional public school system.*
- d. The method by which student progress in meeting student educational standards is to be measured.
- e. An annual report to the board of trustees *provided not later than June 30 of each year* setting forth student progress based on the charter school's student educational standards.
- f. A provision by which students of the charter school will be tested with the same standardized tests as other Idaho public school students.

In addition, a petition must address how the statewide mandated testing program of this district will be coordinated, as well as any additional testing program used by this district.

- g. A provision which ensures that the charter school shall be state accredited as provided by State Board of Education rules.
- h. The governance structure of the charter school including, but not limited to:
 - i. The person or entity who will be legally accountable for the operation of the school.
 - ii. The process to be followed by the charter school to ensure parental involvement.
 - iii. *The following governance and operational support provisions:*

- (a) *School-wide governance, including the school calendar and how the charter school will operate on a day-to-day basis.*
 - (b) *Fiscal affairs, including a proposed budget for the first year of operation.*
 - (c) *Food services.*
 - (d) *Ancillary personnel support, including clerical and custodial.*
 - (e) *The method by which public relations will be handled.*
- i. The qualifications to be met by individuals employed by the charter school. All instructional staff must be certificated teachers, or may apply for a waiver or any of the limited certification options provided by state board of education rules.

In addition, this district requires that a petition address the following personnel matters:

 - i. *Qualifications of non-certificated staff.*
 - ii. *Method by which staff criminal background checks will occur.*
 - iii. *Hiring practices for both certificated and non-certificated employees.*
 - iv. *Supervision, evaluation, probation, and dismissal for both certificated and non-certificated employees.*
 - v. *State and federal mandates prohibiting discrimination.*
 - vi. *Confidentiality of and access to personnel records.*
 - vii. *Grievance procedures.*
 - viii. *Use of state-approved contracts for certificated employees.*
- j. 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.*
- k. Admission procedures, including a provision for over enrollment which specifies that 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.*

In addition, this district requires that a petition address enrollment caps for grade levels and programs, as well as admission of students under the following statutory provisions; taking into account this district's established policies:

- i. Open enrollment pursuant to Idaho Code §§33-1401, et seq.*
 - ii. Dual enrollment pursuant to Idaho Code §33-203.*
 - iii. Postsecondary enrollment options pursuant to Idaho Code §§33-5101 et seq.*
- I.** The manner in which an annual audit of the financial and programmatic operations of the charter school is to be *conducted*, including the following:
- i. A provision requiring the charter school to annually submit a written report to the board of trustees setting forth the results of the audit.*
 - ii. The deadline for submitting the report to the board of trustees, to be not later than June 30.*
 - iii. The method by which any deficiencies found by the annual audit will be addressed.*
 - iv. A statement acknowledging that the financial portion of the audit will be conducted by an independent source.*
 - v. A report on student progress based on the charter school's student educational standards.*
 - vi. A copy of the charter school's annual accreditation report.*
- m.** The procedures by which students can be suspended, expelled, and re-enrolled, including a plan for denying school attendance to any student: (1) who is habitually truant; (2) who is incorrigible; (3) whose conduct, in the judgment of the board of directors is continuously disruptive of school discipline, or the instructional effectiveness of the school; (4) whose presence is detrimental to the health and safety of other pupils; or (5) who was expelled from another district in this state or another state.

In addition, this district requires that a petition address the following student discipline issues:

- i. Procedures for disciplining students with disabilities.*

- ii. *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 §33-512(6).*
 - iii. *Procedures for suspension, expulsion, and denial of enrollment for disciplinary reasons.*
 - iv. *Procedures required by Idaho Code §33-210, relative to students using or under the influence of alcohol or controlled substances.*
- n. 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, health insurance, and worker's compensation insurance.
- o. The public school attendance alternative for students residing within the district who choose not to attend the charter school; this provision applies to the conversion of a traditional public school to a public charter school.

In addition, this district requires that a petition address the following student placement issues:

- i. *Transportation for students.*
 - ii. *Transfer procedure for students attending the charter school who wish to enroll in traditional public schools in this district.*
 - iii. *Transfer procedure for students attending traditional public schools in this district who wish to enroll in the charter school.*
- p. The transfer rights of any employee choosing to work in a charter school and the rights of such employees to return to any non-charter school in this district after employment at a charter school as approved by the board (see "Employment Requirements").
- q. A provision which ensures that the staff of the charter school will be considered a separate unit for purposes of collective bargaining.

In addition, this district requires that a petition address the method by which the local education organization will be selected.

- r. The procedures to be followed by the charter school and this district to resolve disputes relating to provisions of the charter.

In addition, this district requires that a petition address the procedure for amending a charter, including this district's right to review the charter any time the board of trustees determines that such a review is necessary.

- s. The manner by which eligible students from the charter school will be allowed to participate in dual enrollment in non-charter public schools within the district.
 - t. Proof of liability and property loss insurance *for either a newly established or converted charter school, as well as a provision for notifying the board of trustees if such insurance is canceled, or is at risk of being canceled, for any reason. The liability and property loss insurance must list this school district as an additional insured.*
 - u. *Procedure for handling student records, including, but not limited to, special education records and disciplinary records, that addresses the following:*
 - i. *Confidentiality of student records.*
 - ii. *Access to student records.*
 - iii. *Requesting records for students transferring to the charter school.*
 - iv. *Responding to a request for a transfer of student records for a student transferring out of the charter school.*
 - v. *Transfer of student and personnel records upon expiration, revocation or voluntary relinquishment of the charter, including the following:*
 - i. *Procedure for transferring all student records to the traditional public school serving the attendance area of the charter school within three (3) workdays after a charter has expired or has been revoked or voluntarily relinquished.*
 - ii. *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 administration office within three (3) workdays after a charter has expired or has been revoked or voluntarily relinquished.*
15. A description of adequate plans, policies, procedures, contractual or other arrangements, and budget to ensure that students with disabilities attending the charter school will receive special education and related services that meet all the requirements of the IDEA.

In addition, the petition shall describe how the charter school or district will:

- a. Conduct Child Find activities and evaluations;
 - i. Develop, review, and revise IEPs;
 - ii. Provide special education and related services identified on student IEPs using qualified personnel;
 - iii. Meet Least Restrictive Environment requirements;
 - iv. Implement IDEA discipline procedures; and
 - vi. Protect student and parent rights.
- b. Provisions to employ special education and related services professionals who are appropriately licensed and/or certificated for the duties they are assigned. This could include any combination of the following:
 - i. Full- or part-time professionals employee by the charter school to serve special education students;
 - ii. Contracts with private individuals or agencies; or
 - iii. A contract or other arrangement to have the district provide special education services.

A professional development plan for training needs of special education personnel as well as general education teachers in order to meet the needs of students with disabilities who are enrolled in the charter school.

- d. A plan that ensures access to charter school programs, as required under the ADA. This plan may include the actual location of the school, classrooms, and settings within the classrooms to permit access by students with disabilities.
- e. A transportation plan for special education students who may, because of the nature of their disabilities, be entitled to specialized transportation as a related service, even if the charter school does not provide transportation to other students.
- f. Provisions for notifying the district in the event that a formal complaint or due process hearing request is filed by or on behalf of a charter school student.

- g. A provision of whether funding or services of comparable value will be provided to the charter school by the district.
 - h. *In addition, this district requires that a petition address the following:*
 - i. *Gifted and talented services; and*
 - ii. *Services for students with disabilities pursuant to Section 504 of the 1973 Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA).*
16. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost.

Policy History:

Adopted: March 2018

Legal Reference:

Idaho Code Sections

33-506

33-5205

IDAPA 08.02.04 (Rules Governing Public Charter Schools)

IDAPA 08.03.01 (Rules of the Public Charter School Commission)