

Vallivue School District #139

NEW OR CONVERSION PUBLIC CHARTER SCHOOLS

New or converted public charter schools may be established in this district as follows:

1. A new public charter school may be established at a location other than an existing school within the district.
2. A new public 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 this district at the school proposed to be converted; and
 - b. The petition must be signed by one (1) or more parent or guardian of not less than sixty percent (60%) of the students currently attending the school proposed to be converted.
3. A petition for a new public charter school or a conversion public charter school must be submitted to the board of trustees on the application form approved by the State Board of Education. The application must include, at a minimum, descriptions of the following key features of the prospective public charter school:
 - a. Educational program, including student academic proficiency and growth standards and measurement methods and any mission-specific standards that may be unique to the school;
 - b. Financial and facilities plan;
 - c. Board capacity and governance structure; and
 - d. Student demand and primary attendance area.

The petition must be submitted to the board of trustees with a copy of the articles of incorporation and bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition. A complete description of the required petition elements is set forth in Policy 207.

4. Prior to submitting the completed petition to the district, petitioner(s) must send a letter and a copy of the completed petition to the superintendent of each district that overlaps the proposed public charter school's primary attendance area. The purpose of the letter is to inform the superintendent that petitioner(s) are seeking an authorizer, and to offer to attend a district board of trustees meeting, if the superintendent so requests. A minimum of four (4) weeks after sending the letter and copy of the completed petition, or earlier if the

- superintendent of each district that overlaps the proposed public charter school's primary attendance area agrees, petitioner(s) may submit the completed petition to the district. Upon receipt of the completed petition, which may be received electronically, representatives of the board of trustees will review, and may contract with a third party or other government agency to assist in reviewing, the petition. If necessary, representatives of the board of trustees may request from petitioner(s) limited additional information necessary to clarify the contents of the completed petition. Any subsequent change to the completion petition will comprise the revised petition.
5. The petitioner(s) must submit seven (7) copies of the petition to the superintendent or designee. If a petition to convert an existing district school to a public charter school lacks the required number of authorized signatures, the petition may be returned to the petitioner(s). If the signature review process is not completed 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(s) 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.
 - b. The date the petition was forwarded to the board of trustees or returned to the petitioner(s).
 - c. The date on which the board of trustees will hold a public hearing to consider the petition.
 6. 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 hearing for the purpose of discussing the petition.
 - 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, which will include an opportunity for public participation and oral presentation by the public, 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 an additional sixty (60) days if the petition fails to contain all the required information, or if the petitioner(s) and the district agree to the extension. The board of trustees will notify the petitioner(s) in writing of its decision to grant or deny a petition, and its reasons for denying a petition, if necessary.
 - d. Prior to the deadline for granting or denying a petition, the board of trustees may meet with the petitioner(s) to discuss alternatives to any provision proposed in the

petition. Any 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.

7. In addition to the approval provisions of this policy and the Idaho Charter School Law, approval of a professional-technical regional public charter school by this district will not be final until the petition has also been reviewed by the division of professional-technical education.
8. Following approval of the petition, the board of trustees and the board of directors will negotiate the terms of the performance certificate in accordance with the requirements of Idaho Code §33-5205B. If the board of trustees grants conditional approval of the petition, the conditions may be considered reasonable pre-opening requirements or conditions pursuant to Idaho Code §33-5206(6), or may be added to the charter upon agreement of petitioners and the board of trustees.
9. An initial charter, if approved, will be granted for a term of five (5) operating years. This term will commence on July 1 preceding the public charter school's first year of operation.

REPLICATION CHARTER SCHOOL PETITIONS

A replication charter school may be established in this district subject to the following provisions:

1. The public charter school seeking replication must have successfully completed at least one (1) renewal cycle and be eligible for a nonconditional renewal; or
2. Public charter schools that are scheduled to be evaluated for renewal or nonrenewal prior to March 1, 2019 must be rated in the top twenty percent (20%) of all Idaho public schools by the state's accountability system for the two (2) previous years.

Replication public charter school must serve the same, or a subset of the same, grades as the public charter school being replicated and the operational model must be the same as that of the public charter school being replicated.

This district will not approve the replication of a public charter school that is physically located outside of the district boundaries.

A petition for a replication charter school must include the following minimum information:

1. A description of the capacity of the charter holder to successfully replicate an additional school;
2. A description of how the charter holder will manage multiple charter schools while maintaining a high level of academic and fiscal performance in the original public charter school and the replication charter school; and

3. A copy of the original or existing charter and performance certificate, as well as all information supporting the charter school’s eligibility for a nonconditional renewal; and
4. All of the information required by paragraphs 14 and 15 of district Policy 207.

PERFORMANCE CERTIFICATE AND ACCOUNTABILITY

Within seventy-five (75) days of approval of a charter application, the district and the governing board of the approved public charter school will execute a performance certificate that clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged and the administrative relationship between the district and the public charter school, including each party’s rights and duties. The performance expectations and measures set forth in the performance certificate must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the public charter school is operating and has collected baseline achievement data for its enrolled students.

The performance certificate must be signed by the chairman of the board of trustees and the president of the board of directors of the public charter school. The district will submit written notification to the State Board of Education of execution of the performance certificate, including a copy of the performance certificate, within fourteen (14) days of execution of the performance certificate.

A public charter school may not commence operations without a performance certificate executed in accordance with Idaho Code §33-5205B and approved by the board of trustees in an open meeting.

The performance provisions within the performance certificate will be based upon a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the district’s evaluations of each public charter school. The performance framework will include indicators, measures and metrics for, at a minimum:

- a. Student academic proficiency;
- b. Student academic growth;
- c. College and career readiness (for high schools); and
- d. Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the performance certificate.

Measurable performance targets will be set by each public charter school in conjunction with this district and will, at a minimum, require that each school meet applicable federal, state and district goals for student achievement.

The performance framework will also allow for the inclusion of additional rigorous, valid and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the district approves the quality and rigor of such school-proposed indicators, and that they are consistent with the purposes of the Idaho Charter School Law.

For each public charter school it oversees, the district is responsible for analyzing and reporting all data from state assessments in accordance with the performance framework.

A public charter school and the district may enter into negotiations to revise a charter or performance certificate at any time. If a public charter school petitions to revise its petition or performance certificate, the district will limit its review of the revised petition solely to the proposed revisions.

NOTICE TO STATE BOARD OF EDUCATION

Upon approval of the charter school petition by this board of trustees, or upon amendments to the charter school petition being approved, the petitioner must provide written notice of the approval, including a copy of the petition, to the State Board of Education.

REVISION OF CHARTER OR PERFORMANCE CERTIFICATE

Anytime it comes to the attention of this district or the charter school that the approved petition should be amended to address particular needs of the charter school or the district, or to come into compliance with federal or state laws, the district or charter school will ask for a meeting to discuss the proposed changes. If this district and the charter school cannot agree on amendments to the petition, and the amendments impact the mandates of federal or state law, this district may begin the process to revoke the charter school status, as set forth in Policy 209.

If a public charter school petitions to revise its charter or performance certificate, the board of trustees' review of the revised petition shall be limited in scope solely to the proposed revisions. Prior to approval of a revision of a charter or performance certificate, the governing board of the public charter school must submit a written request and the proposed revisions to the board of trustees and to the State Department of Education (SDE). The SDE will complete its review of the proposed revisions within thirty (30) days of receipt and will notify the governing board of the public charter school and the board of trustees of results of its review. The board of trustees has seventy-five (75) days from the date of receipt of written notice from the SDE in which to issue a decision on the request for charter revision or revision of the performance certificate, unless a longer period is agreed to by the public charter school and the board of trustees. The board of trustees will consider the request for revision of the charter or performance certificate at its next regularly scheduled meeting following receipt of written notice from the SDE, provided that such notice is received no fewer than thirty (30) days in advance of the meeting. The board of trustees may delegate the review of a request for revision of a charter or performance certificate to the superintendent or other designee. Upon written request of the public charter school, the board of trustees will hold a public hearing on the requested revision of the charter or performance certificate prior to making a decision on the request. Such public hearing will be held within thirty (30) days of receipt of the written request.

If the proposed revision is denied, the board of trustees will prepare a written notice of its decision denying the request, which will contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter or performance certificate revision

to the State Board of Education following the procedure outlined below under the heading “Appeal to State Board of Education” and in accordance with IDAPA 08.02.04.403.

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 this district object to this district’s granting of a petition to convert an existing school to a charter school; or
2. This 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.

The appeal must be made within thirty (30) days of the date of the board of trustees’ written decision. Upon receipt of an appeal, the state superintendent of public instruction will select a hearing officer to review the action of this 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 this board of trustees and to the persons requesting the review. The recommendation by the hearing officer either to affirm or reverse the decision of the board of trustees shall be based upon the full record regarding the charter petition, including the standards and criteria contained in chapter 52, title 33, Idaho Code and in any public charter school rules adopted by the State Board of Education. The recommendation shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the recommendations based on the applicable statutory provisions and factual information contained in the record.

Within thirty (30) days of receiving the hearing officer’s written recommendation, this board of trustees will hold a meeting open to the public for the purpose of reviewing the hearing officer’s written recommendation. Within ten (10) days of the meeting this board of trustees will either affirm or reverse its initial decision. The decision of this board of trustees will be in writing and contain findings explaining the reason(s) for its decision. This 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 no 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.

There shall be no appeal of a decision by the board of trustees which (i) denies the conversion of an existing traditional public school within the district to a public charter school, or (ii) approves a petition for a public charter school.

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, or does not approve a revision of the charter, the petitioner may appeal this board of trustees' decision to the State Board of Education. On appeal to the State Board of Education, the following procedure will be used:

1. The State Board of Education will hold a public hearing within a reasonable time after receiving notice of the appeal, but no later than sixty (60) calendar days after receiving the notice. The public hearing will be conducted pursuant to procedures as set by the State Board of Education.
2. The State Board of Education may take any of the following actions:
 - a. The State Board of Education will approve or deny the petition for the public charter school, provided that it will only approve the petition if it (i) determines that this district failed to appropriately consider the charter request; or (ii) determines that this board of trustees acted in an arbitrary manner in denying the request.
 - b. In the case of a denial of the petition by the board of trustees of this district, the State Board of Education may redirect the matter to the public charter school commission for further review.
3. The decision of the State Board of Education may be appealed in accord with the Idaho Administrative Procedures Act (see "Motion to Reconsider and Judicial Review"). Either the petitioner or the district may appeal the State Board of Education's decision to grant or deny a charter.

A charter school approved by the State Board of Education will qualify for all funding available to other charter schools. The public charter school commission will assume the role of the chartering entity. Employees of a charter school approved by the State Board of Education will not be considered employees of this school district, nor of the State Board of Education, nor of the public charter school commission.

MOTION TO RECONSIDER AND JUDICIAL REVIEW

The petitioner or the district may file a motion with the State Board of Education for reconsideration of the State Board of Education’s decision to grant or deny a charter. A motion for reconsideration must be filed within fourteen (14) days after the State Board of Education has issued its decision to grant or deny the charter. If the State Board of Education has not issued a decision within twenty-one (21) days of when the motion for reconsideration was filed, the motion is automatically denied.

A motion for judicial review must be filed in district court within twenty-eight (28) days of the issuance of the State Board of Education’s decision to grant or deny a charter.



LEGAL REFERENCE:

Idaho Code Sections

30-3-1 *et seq.* (Idaho Nonprofit Corporation Act)

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

67-5201 *et seq.* (Idaho Administrative Procedures Act)

IDAPA 08.02.03 (Rules Governing Thoroughness)

IDAPA 08.02.04 (Rules Governing Public Charter Schools)

IDAPA 08.03.01 (Rules of the Public Charter School Commission)

ADOPTED: 12/12/17

AMENDED: