

PHILOSOPHY

A charter school is a public, nonreligious, publicly funded school that is accountable for the provisions set forth in its petition as negotiated with the District. The charter school will 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 contracted 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. A charter school is exempt from the rules of the State Board of Education and the State Superintendent of Public Instruction, except for the issues of teacher certification, accreditation, and qualifications of a student for attendance at an alternative school. A charter school is responsible for all rules and regulations found in Idaho Code.

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 District. Nonresident students may be admitted to a charter school but priority must be given to admission of resident students. A charter school will not charge tuition or fees except those fees normally charged by other public schools.

Failure to comply with Idaho Code or federal law will be cause for immediate revocation of the charter by the Board of Trustees without appeal.

Public charter schools also provide a method to accomplish the following:

1. Improve student learning;
2. Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students;
3. Use different and innovative teaching methods;
4. Utilize virtual distance learning and on-line learning;
5. Provide new professional opportunities for teachers; including the opportunity to be responsible for the learning program at the school site;
6. Expand choices regarding the types of educational opportunities that are available within the public school system;

7. Meet measurable student educational standards.

Each charter school will:

1. Be organized and managed under the Idaho nonprofit corporation act;
2. Have a board of directors to act as public agents to control the charter school and have the same responsibilities and liability as any governing board of public education;
3. Be considered a public school for all purposes.

General Powers and Limitations of the Charter School Board of Directors:

1. Upon approval of the petition, the charter school's board of directors will be a public agent required to control the charter school.
2. The charter school must comply with all federal/state laws and rules and Idaho Code.
3. The responsibility for identifying the essential laws and regulations, and complying with them, lies with the charter school, not the District.
4. The charter school may not extend the faith and credit of the District to any third person or entity.
5. The charter school may not contractually bind the District with any third party.
6. The charter school shall keep complete and accurate board of directors' minutes and make them available to the public.

Public charter schools will be held accountable for meeting measurable student educational standards identified in the petition.

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 and accreditation.

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 will not include any geographical area outside the state of Idaho. No out of state students will be accepted.

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 this district.

Converted charter school: An existing school building in this district that is approved to become a charter school.

Educational 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.

Petition: The documentation that must be submitted to the board of trustees of this district for approval of a proposed charter school. Once the petition is approved, it is the charter of the school and has the force and effect of a legal agreement between the nonprofit corporation and this district.

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.

TIME LINE FOR ESTABLISHING A CHARTER SCHOOL

The Board will only accept charter school petitions and applications during one period each year. The Superintendent or designee has determined dates for:

1. Advertising the submission of statements of intent – September 1 through November 30;
2. Submission of completed charter school petitions – by January 1;
3. Public meeting for the purposes of considering the merits of the petitions and the level of employee and parental support for the petitions – by April 1;
4. Deadline for the Board to make a decision concerning the petitions – by May 30;
5. Deadline for the contract to be signed – June 2.

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. A charter school may qualify as an alternative school, provided all statutory and regulatory provisions are met. In addition, an approved charter school may accept funds from private persons or organizations, and may make application for federal grant moneys.

NONPROFIT CORPORATION

A charter school must be organized and managed under the Idaho Nonprofit Corporation Act. The board of directors of a charter school operating as a nonprofit corporation may borrow money to finance the purchase of school building facilities, and may use such facilities as collateral for the loan, subject to the agreement between the board and the lender.

The board of directors is required to make a full and complete audit of the financial statements of the charter school as required in Section 67-540B, Idaho Code. The auditor for the charter school must be employed on a written contract. The board of directors is required to file one (1) copy of the audit report with the State Department of Education, after acceptance by the board of directors, but not later than October 15. The board of directors must also file annually with the State Department of Education such financial and statistical reports as the state superintendent of public instruction may require. Copies of any such financial and statistical reports, including the audit, must be simultaneously filed with the District.

Sales to or purchases by a charter school are exempt from payment of sales and use taxes.

LIABILITY AND INSURANCE

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.

The District will not be responsible or be liable for any acts, omissions, debts, or other obligations of a charter school, except as may be provided in a charter approved by this district. The charter school will defend, hold harmless and indemnify the Board 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 the operation of the charter school and/or arising out of the acts of omissions of the agents employees, invitees or contractors of the charter school.

A charter school must secure insurance for liability and property loss, and any other type of insurance necessary to provide coverage for the potential losses described in this section. A charter school which converts an existing school to a charter school will list the Caldwell School District as an additional asset. A charter school will provide to the District proof of such insurance prior to the opening of the charter school and by the date stipulated in the contract.

PETITION TO ESTABLISH A CHARTER SCHOOL

Charter school applicants must submit the "Caldwell Petition Application for Charter Schools" during the filing period. Applicants who fail to submit a completed petition by the deadline will automatically be denied the opportunity to establish a charter school for the school year specified in the petition application.

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 this district 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. 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 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. 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 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 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.

APPROVAL OF PETITION

The criteria for approving a charter school petition will be as follows:

1. Petitioner appears to have sufficient support from District parents/guardians, teachers, patrons, and students;
2. Has the elements of a sound plan for the charter school's educational philosophy and mission, board of directors, instruction, students, community relations, personnel, administration, financial management, noninstructional operations, school facilities, and relations with the District;
3. Has a reasonable plan for procuring the required material resources;
4. Has the human resources necessary to implement the proposal;

5. Has a stable governance structure with competent, ethical leadership;
6. Offers a unique educational choice within the District;
7. Meets the requirements of the District's charter school policies, procedures and application form;
8. Meets all the requirements of the law.

The Board of Trustees will review all petitions forwarded by the superintendent or designee as follows:

1. 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.
2. 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.
3. 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 an 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 for denying a petition, if necessary.
4. Prior to the deadline for granting or denying a petition, the board of trustees may meet with the petitioner 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.

Before approving a charter petition, the Board of Trustees may analyze the financial impact that approving a charter would have on the district as a whole. If it is determined that the establishment of a charter school hurts the District financially, the Board of Trustees may deny the application for the charter school.

The Board of Trustees may choose to interview key members of the charter school team prior to making a decision on the petition. The interview will be open to the public. The Board of Trustees, Superintendent or designee may also choose to visit the charter school facility. If a site has not been identified at that time, the Board of Trustees, Superintendent or designee reserves the right to visit the facility at a later date.

Board of Trustee acceptance of the petition will be contingent on the approval of the petition by the State Board of Education and on the signing of a contract by both the Board of Trustee and the board of directors of the charter school. Both parties must sign a contract following the granting of a petition by the Caldwell School District before the school becomes operational or

the petition will be null and void. A charter school may begin immediately following the signing of the contract, unless otherwise stated in the contract.

DEVELOPMENT OF A CHARTER SCHOOL CONTRACT

The Board of Trustees delegates to the Superintendent or designee the development of a charter school contract through negotiations with the representative(s) of the applicant. The negotiated contract requires the approval of the Board and of the charter school's board of directors.

A Board contract with a charter school will include, but not be limited to:

1. The duration of the contract;
2. The original petition and any subsequent change or revisions agreed upon by both parties;
3. All agreements including, but not limited to, service contracts and the release of the charter school from any specified Board policies;
4. A description of the requirements of the annual audit;
5. A description of assessment procedures to be followed during the review of the activities of the charter school;
6. A description of the provisions for the dual enrollment of students in the charter school and a district school;
7. A description of the special education services to be provided by the charter school;
8. A description of all documents to be provided prior to the signing of the contract.
9. A description of the provision of special education services consistent with state and federal law.

ADMISSION REQUIREMENTS

The demographics of the charter school must be consistent with the demographics of the District (within a plus or minus 10%) of the percentage of any group by ethnicity, ELL, free and reduced lunch, special education, etc. Any charter school approved by this 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 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.

If capacity is insufficient to enroll all students for subsequent school terms, who submit a timely application, preference must be given in the following order: 1) maintain demographic balance as outlined in the above paragraph, 2) to students returning to the charter school in the second or any subsequent year of the school's operation; 3) to siblings of students already enrolled in the charter school; and 4) an equitable selection process such as by lottery or other random method.

EMPLOYMENT REQUIREMENTS

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

1. No employee of this district will be involuntarily assigned to work in a charter school.
2. All certificated teachers in a charter school approved by this district will be considered public school teachers, but will not be considered employees of this district.
3. Educational experience of certificated teachers will accrue for service in a charter school. The experience in a charter school will be counted by this district if the certificated teacher returns to a traditional public school in this district.
4. A certificated teacher who was employed by the district just prior to working at the charter school will be allowed to return to the district's employment according to the agreement jointly determined by the proposed charter and the district
5. A certificated teacher who is employed by a public charter school and who wishes to return to the traditional public school in this district must meet the following requirements:
 - a. The certificated teacher must have been employed by this district on a renewable contract for the school year immediately prior to his or her employment at the public charter school.
 - b. The certificated teacher must make written application to the Board of Trustees no later than April 1 for the upcoming school year indicating his or her desire to return to the traditional public school in this district.
 - c. The application must document that the applicant was continually employed at the charter school since leaving the district's employment.
 - d. The certificated teacher must have been employed by this district within the last three (3) years.
 - e. The certificated teacher must not have been accused of or committed any act or omission at the charter school that would, under this district's policies, be cause for dismissal. All employees of the school are required to undergo a criminal history check. (Consult Policy 402, Criminal History Checks for Employees.)

All applications that meet the above criteria may be approved depending on availability of positions. A certificated teacher whose application is not approved because of disciplinary reasons will be afforded all due process rights entitled by law.

The Board of Trustees will notify each applicant, in writing, no later than May 15 whether the transfer has been approved. Certificated teachers who have been approved to return to the traditional public school in this district will be given an opportunity to sign an employment contract with this district: renewable contracts will be distributed no later than May 25; annual contracts will be distributed no later than June 15. Applicants will be assigned to positions within the district in accord with the needs of the district, as determined by the superintendent or designee.

6. A certificated teacher's right to return to the district's employment will terminate when the certificated teacher has worked at the charter school for three (3) consecutive school years. Thereafter, a certificated teacher must apply for, and compete with other non-district applicants, any position for which he or she is certificated.
7. A certificated teacher who was not employed by this district on an annual or renewable contract immediately prior to his or her employment at a charter school does not have employment rights with this district.
8. The board of directors for a charter school shall provide coverage for their employees with the public employee retirement system, federal social security, unemployment insurance and worker's compensation insurance.
9. Any seniority rights the teacher possessed when he/she moved to the charter school will be frozen at that level for as long as he/she is employed in the charter school (maximum of three years). If the teacher returns to the district within the three year period, the seniority rights will be reinstated.

SPECIAL EDUCATION SERVICES TO BE PROVIDED TO STUDENTS WITH DISABILITIES

A charter school must adopt policies and procedures for the provision of special education services to students with disabilities. The charter school must employ and supervise appropriately certified personnel to implement students' IEP's. If the district or the State Department of Education notifies a charter school of an area of non-compliance, the school must work collaboratively with the District to ensure that the policies and procedures of the Individuals with Disabilities Act (IDEA) are being implemented appropriately and make necessary changes. Federal dollars must be spent and accounted for according to VI-B application categories.

The petition will include 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, Section 504 of the Rehabilitation Act and the American with Disabilities Act.

The charter school administration must ensure that the charter school is implementing the requirements of IDEA, Section 504 and ADA for all students with disabilities enrolled in the school. This will include periodic review and/or participation of the Special Education Director or designee in IEP/building team meetings, review of certification records for personnel responsible for special education services, observations of teachers, students and classrooms, review of the array and effectiveness of services, review of confidential files to ensure compliance with policies and procedures, and review of special education expenditures. All

Failure to provide assurances/documentation of compliance with the current Idaho Special Education Manual and federal guidelines as outlined in IDEA will result in immediate revocation of the charter by the Board of Trustees without repeal.

PETITION AMENDMENT

Anytime it comes to the attention of the 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 the District and the charter school cannot agree on amendments to the petition, and the amendments impact the mandates of federal or state law, the District may begin the process to revoke the charter school status, as set forth in the Revocation of Charter School Status section of this policy.

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.

USE OF DISTRICT SERVICES AND/OR FACILITIES

A charter school may contract, at the discretion of the District, with the District to provide services or facilities to the charter school. The District will charge for the services or facilities at a rate which is stipulated in the contract.

If the charter school wishes to use a district facility, the parties will negotiate a contract that will, where applicable, include, but not be limited to, the following:

1. Identification of the facility;
2. Lease rate for the facility;
3. Outline of the 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, maintenance and custodial services;
8. Determination of the manner in which the building must be restored to its original condition 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; and
10. Provisions for the terms, conditions and coverage of property and liability insurance.
11. Development of a maintenance schedule for upkeep and repairs to the buildings and grounds.
12. Provision of a damage deposit in the form of a percentage of the insurable replacement value, as determined by the Board of Trustees.

ANNUAL REPORTS

A charter school which is approved by the District will annually submit a report to the District. The report will:

1. Include an audit of financial operations conducted by an independent auditing firm;
2. Include any audit of the charter school's programmatic operations, which includes a report on student progress as outlined in the school's petition;
3. Provide for an annual student profile including: socioeconomic data; mobility rates; enrollment and departures; number of special education students; number of minority students; state testing; student achievement and progress; and attendance rates.

If a district facility is being used, the charter school will provide the Board of Trustees with an annual buildings and grounds report 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.

Every three years an educational audit will be conducted by an outside consultant selected by the District Board of Trustees and paid for the charter school. Failure to have a successful audit or to not meet standards will result in an immediate revocation of the charter by the Board of Trustees without repeal.

REVIEW/EVALUATION OF THE CHARTER SCHOOL

In order to meet its obligations, the District requires, as part of the charter, a plan of observation and evaluation of the charter school to be spelled out and a provision for reimbursement to the District for all or a portion of the salary and attendant costs of the individual assigned to oversee the operations of the charter school.

The Board of Trustees will retain the right to review, at least annually, the degree to which the charter school is meeting the terms of the petition. The Superintendent or designee may have a district representative or an independent evaluator:

1. Visit the charter school;
2. Review the charter school's records and data;
3. Directly survey the charter school's parents/guardians, students, employees;
4. Audit the financial records of the charter school;
5. Pursue any other reasonable means of determining accountability for the charter petition.

The request must be reasonable in terms of the timing and the amount or types of information required. Failure to have a successful review of facilities or a breach of contract may result in an immediate revocation of the charter by the Board of Trustees without repeal.

REVOCAION OF CHARTER SCHOOL STATUS

This district is responsible for ensuring that each charter school 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 by the district, as appropriate. A charter approved by this district may be revoked if it is determined by this 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 as evidenced by the district or outside review.
4. The charter school failed to submit required reports to this district.
5. The charter school has violated any provision of law including but not limited to Idaho Code, IDEA, state special education regulations, federal law, etc.

The Board of Trustees will determine whether a charter should be revoked following a public hearing 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. The same opportunity to address the Board of Trustees will also be given to patrons, parents, charter school staff, students, and district personnel. The Board of Trustees will issue a written decision within thirty (30) days of the public hearing regarding whether the charter will be revoked, and the decision will set forth the reasons for the revocation.

A decision by this district to revoke a charter may be appealed to the State Board of Education.

APPLICATION FOR RENEWAL OF CHARTER

Application for renewal of a charter previously granted by this district must be submitted to the board of trustees 180 days prior to the existing charter's expiration and the beginning of the next school year. The application for renewal of an existing charter must set forth all the criteria required of a petition for a new charter, with the exception that signatures will not be required.

The Board may require, or the charter school may request, a public hearing prior to a decision on the renewal of the charter. The board of trustees may renew a charter for a period of one (1) year and not more than five (5) years. The Board of Trustees has full discretion to renew a charter for less than five (5) years.

A decision by this district to not renew a charter may be appealed to the State Board of Education.



LEGAL REFERENCE:

Idaho Code Sections

30-3-1, *et seq.*
 33-203
 33-310
 33-509
 33-512(6)
 33-1401, *et seq.*
 33-1612
 33-5101, *et seq.*
 33-5201, *et seq.*
 59-1302(15)
 63-3622(o)
 67-5201, *et seq.*

Idaho Special Education Manual, September 1999

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ADOPTED: August 12, 2002
REVISED: March 10, 2003

ATTACHMENTS:

Exhibit 206a Caldwell Petition Application for Charter Schools
 Exhibit 206b Charter School Contract Form
 Exhibit 206c Application for Employee Transfer from a Public Charter School
 Exhibit 206d Application for Student Transfer from a Public Charter School.

