



IDAHO PUBLIC CHARTER SCHOOL COMMISSION

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PUBLIC CHARTER SCHOOL COMMISSION REGULAR MEETING

April 9, 2020, 9:00 am
Zoom Only*: 933-606-1878
<https://zoom.us/j/9336061878>

AGENDA

A. COMMISSION WORK

1. Agenda Review / Approval (Action Item)
2. Minutes Review / Approval (Action Item)

B. CONSIDERATION OF THE COVID-19 IMPACT ON RENEWAL CONDITIONS AND THE PERFORMANCE FRAMEWORK.

As ISAT assessments will not take place this year and schools are experiencing financial and operational challenges, the PCSC will consider its approach to the FY20 annual reports and renewal conditions that are due on 6/30/2020. (Action Item)

C. SECOND CONSIDERATION OF PERFORMANCE CERTIFICATE NEGOTIATION

1. Heritage Academy (Action Item)

*By proclamation of the Governor, issued on 3/13/2020, the requirement to provide for the physical presence of the public at open meetings has been suspended. The PCSC will provide call-in or video conference options to enable public participation whenever possible.

April 9, 2020

1. AGENDA APPROVAL

Does the Public Charter School Commission (PCSC) have any changes or additions to the agenda?

COMMISSION ACTION

A motion to approve the agenda as submitted.

2. MINUTES APPROVAL

Does the PCSC have any changes or additions to the meeting minutes from February 13, 2020?

COMMISSION ACTION

A motion to approve the meeting minutes from February 13, 2020, as submitted.

DRAFT MEETING MINUTES

IDAHO PUBLIC CHARTER SCHOOL COMMISSION

February 13, 2020
650 W State Street, Boise, Idaho
Len B Jordan Building, Clearwaters Room

The meeting was called to order by Chairman Reed at 9:00 a.m. The following Commissioners were in attendance:

Alan Reed
Brian Scigliano
Wanda Quinn (left at 12:54 p.m.)
Nils Peterson
Kitty Kunz
Sherrilynn Bair
Julie VanOrden (arrived at 10:42 a.m.)

TAB A: COMMISSION WORK

1. Agenda Review/Approval

M/S (Kunz/Peterson) To approve the agenda as presented. *The motion passed unanimously.*

2. Minutes Review/Approval

M/S (Peterson/Scigliano) To approve the minutes as presented. *The motion passed unanimously.*

TAB B: PUBLIC COMMENT

No comments from the public.

TAB C: CONSIDERATION OF TRANSFER PETITIONS

PCSC Director, Jenn Thompson introduced Anser Charter School's petition to transfer their authorization to the PCSC.

Nicole Baird Spencer, Board President of Anser Charter School, described the school's mission and plan for growth in the next few years. She explained that growth is the main reason that they would like to transfer their charter.

She highlighted their plans for expansion and new property recently purchased with cash, and provided an overview of the Expeditionary Learning (EL) method.

Michelle Dungston, Education Director, and Heather Dennis, Organization Director also spoke about the school's successes, their expansion goals, and the demand for enrollment.

Commissioner Quinn complimented the board of Anser Charter School on their expertise.

Heather Dennis explained their plans to reach more diverse students including the expansion that will allow more students to enroll.

Commissioner Peterson disclosed that he previously interacted with the school while serving as a founding board member of Palouse Prairie Charter School between 2006-2008, and again on a site visit around 2012. Commissioner Peterson did not recuse himself from the vote as he believes the disclosed contact with the school would not impact his ability to vote objectively in this matter.

M/S (Quinn/Kunz) A motion to approve the transfer petition for Anser Charter School and execute the performance certificate as presented effective July 1, 2020. *The motion passed unanimously.*

TAB C: CONSIDERATION OR PERFORMANCE CERTIFICATE ADOPTION

Director Thompson summarized the process of adopting new performance certificates for two schools whose petitions were approved in December: Doral Academy of Idaho and Pinecrest Academy of Idaho. Per statute the commission has 75 days after approval of a new charter school to execute the performance certificate.

M/S (Quinn/Scigliano) A motion to execute the performance certificate for Doral Academy of Idaho and to execute the performance certificate for Pinecrest Academy of Idaho as presented. *The motion passed unanimously.*

TAB E: CONSIDERATION OF PERFORMANCE CERTIFICATE AMENDMENT

Director Thompson introduced Elevate Academy's founders and explained the school's request to make an amendment to their performance certificate.

Elevate Co-Directors, Monica White and Matt Strong, presented a two-part amendment request.

The first part of the request was to expand 6th grade enrollment and reduce enrollment in the high school classes. This would not change the school's overall enrollment numbers. The Co-Directors believe this structure will better meet the needs of the at-risk students they serve based on student demand. It will also provide a more balanced work-load for their teaching staff.

The second part of the request was to allow the school to keep a number of seats open to accommodate continuous enrollment for students who are unenrolled for a brief period of time due to incarceration or for the purpose of voluntarily completing a residential life-skills training program.

General discussion between commissioners and the Co-Directors followed. The discussion served to clarify the amendment request and educate Commissioners on the unique challenges of working with at-risk students.

M/S (Peterson/Bair) A motion to approve charter amendments including the proposed adjustment in allowable enrollment by grade level and year of operation as presented in the amendment submitted by Elevate Academy and the ability to hold 18 seats open in the school for the purpose of accommodating continuously enrolled students who are unenrolled temporarily due to juvenile detention or an Idaho Youth Challenge Academy situation. *The motion passed unanimously.*

Break at 10:22 a.m. Reconvene at 10:30 a.m.

TAB F: CONSIDERATION OF PERFORMANCE CERTIFICATE NEGOTIATION

Director Thompson introduced the performance certificate amendments requested by Heritage Academy. Director Thompson explained that the school provided a proposed draft of their Performance Certificate with the requests incorporated into the text, and that Director Thompson had highlighted the requests as 8 distinct points of negotiation in a separate summary document.

Carroll Cone, Board Chair of Heritage Academy, introduced his fellow board members; Michael Haddox, Chris Myhre, and Kris Gilgren. He also introduced school director, Dr. Christine Ivie, and Amy White, legal counsel for the school's board. Mr. Cone described the school's model and student demographics.

Kris Gilgren, board member, spoke about the data they would like for the commission to review concerning the growth and success of students.

Annell Crouch, founding board member, spoke about the impact from negative publicity and how it has affected the school.

Amy White, legal counsel for the school's board, explained the requested changes.

After the presentation, Commissioners engaged in discussion with Ms. White and Dr. Ivie. The Commission chose to consider negotiation items 1, 2, 3, and 7 separately from negotiation items 4, 5, 6, and 8.

M/S (Quinn/Peterson) A motion to approve Heritage Academy's requested changes

- To the school's Mission, Vision, and Key Design elements as listed in 3A and 3B of the proposed performance certificate.
- The proposed reduction of the school's maximum enrollment from 450 students to 207 students with the per-grade enrollments as presented in section 5B of the proposed performance certificate.
- The proposed adjustments to the school's primary attendance area as presented in section 5E of the proposed performance certificate.
- The proposed submission of the school's annual budget in the same format as is submitted to the State Department of Education as presented in

section 6D of the proposed performance certificate. *The motion passed unanimously.*

Discussion continued, focused on the remaining requests. Dr. Ivie described the tools used to compare like districts and how Heritage Academy used the tools.

Commissioner Quinn thanked the school board for their grace in this difficult time and explained that the Renewal Committee is currently working on these same issues. She suggested that the Commission table the remaining four items in the performance certificate negotiation until the April meeting to allow the Performance Framework Flexibilities Project, to run its course.

Dr. Ivie expressed concerns that even if the Commission adopts revisions to the academic section of the Performance Framework that would better capture Heritage Academy's successes, the school is on a path to score low on the operational and financial sections of the Performance Framework. She further pointed out that the Commission could choose to close the school during its 2022 regular renewal cycle for low scores in these areas. She explained that the anticipated low scores on the operational and financial sections of the Performance Framework reflect damage done by negative media attention over the past year and reiterated her belief that a new or extended term of operations would allow her school the time to recover.

Ms. White requested a break to speak with her clients. Chairman Reed granted the request. The meeting resumed 15 minutes later.

Ms. White stated that since a new performance certificate is going to be issued to reflect the changes agreed upon so far, the school requests that the Commission also approve a five year term from 2020 to 2025.

The commissioners discussed the request. No motion was brought forth regarding negotiation items 4, 5, 6, or 8 as presented in the staff summary document nor was a motion brought forth regarding the restated request for a new 5-year term.

M/S (Peterson/VanOrden) A motion to table the commission's decision until the April 9, 2020 meeting and direct PCSC staff to negotiate on behalf of the commission items 4, 5, 6, and 8 and the conditions in the existing certificate. *The motion passed unanimously.*

TAB G: PCSC DIRECTOR REPORT

Director Thompson presented a brief Director's report. She noted that the 2019 PCSC Annual Report is posted online and was presented to the Idaho State Board of Education. The document is posted on the PCSC website. She also updated the Commission on the status of annual reports for each school, upcoming financial reports due from schools, and a few school-level compliance issues the staff is monitoring.

Director Thompson also asked for clarification for minor amendments to performance certificates. Clarifying discussion followed.

TAB H: RENEWAL COMMITTEE UPDATE

Commissioner Quinn gave an update on the Renewal Committee's recent meetings. Surveys were conducted with schools and meetings have been held across the state.

Director Thompson summarized results of the meetings and recommendations to help improve the performance certificates. She mentioned the complexities in compiling the data for annual reports under the current system. She recommends better aligning PCSC measures to the Idaho Accountability Framework and simplifying the PCSC's calculations and methodologies.

As Commissioner Bair has a background in assessment, The Renewal Committee would like to have Commissioner Bair work with the PCSC staff going forward, while the Renewal Committee steps back.

TAB I: PCSC DISCUSSION

Chairman Reed invited Michelle Clement-Taylor to participate in the discussion. She shared that the State Department of Education will be focusing on the five year graduation rate instead of four year beginning this fall.

At the October 2019 PCSC meeting it was decided to hold some meetings in 2020 in different locations across the state. The commission is considering a change to the location of the PCSC meetings for the rest of 2020.

M/S (Peterson/Bair) A motion regarding the location of the April, October, and December regular PCSC meetings for 2020, that they be held in Boise. *The motion passed unanimously.*

Director Thompson updated the commission on the new bills being considered in the legislature that would impact charter schools.

Ms. Clement-Taylor updated the commission on two bills that were introduced earlier that morning (during the PCSC meeting). House Bill 511 regarding automatic closure due to insufficient cash on hand and House Bill 512 regarding weighting lotteries in favor of underserved populations.

M/S (VanOrden/Kunz) A motion to oppose House Bill 364. *The motion passed unanimously.*

The commission discussed the need to review all PCSC policy over the next year. Chairman Reed suggested beginning the process with a first read of Section V – Renewal and Non-Renewal of the PCSC Policies at the next regularly scheduled meeting (April 9, 2020).

M/S (Scigliano/Bair) A motion to adjourn. *The motion passed unanimously.*

Meeting adjourned at 1:33 p.m.

SUBJECT

Consideration of the Covid-19 Impact on Renewal Conditions and the Performance Framework.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Code §33-5205B
PCSC Policy Section V

BACKGROUND

On March 23, 2020 the State Board of Education waived the 2020 ISAT assessments for all schools due to the current public health crisis.

Six PCSC authorized schools are currently operating under conditional Performance Certificates with academic conditions due on June 30, 2020. It will not be possible to assess whether a school has met the stated conditions in cases where the conditions are dependent on ISAT assessments that won't take place.

All PCSC schools are evaluated annually against the proficiency and growth measures in the academic section of the PCSC's Performance Framework. It will not be possible to evaluate any school's performance against these measures as they are dependent on ISAT assessments that won't take place.

In addition, the Governor has requested that the State Department of Education withhold 1% of the total amount due to schools for FY20 from either the May or July scheduled distributions.

DISCUSSION

Neither proficiency nor growth data will be available for any school for the 2019-2020 school year. As the Performance Framework and several renewal conditions rely on that data, the PCSC must consider how to address the academic section of annual reports for FY20 for all schools and how to address renewal conditions that cannot be evaluated by the due date stated in the condition.

In the past, when data has not been present, schools have been exempted from the measure on the annual report. For example, a new school that has only experienced one assessment period has simply been exempted from the growth measures which require two assessment periods to calculate. This existing practice may be applied to the academic section of the FY20 annual reports for all schools, essentially exempting all schools from proficiency and growth measures. This would mean that K-8 schools would have no accountability designation for FY20 and that 100% of the weight of the academic accountability designation for schools that serve 12th grade would be based on graduation rate.

Renewal conditions represent somewhat higher stakes. An authorizer may begin revocation proceeding if a charter school fails to meet a specific written condition

for improvement, which has been included in the school's Performance Certificate, by the date stated in the condition. In this case, a revocation decision will not be possible on 6/30/2020 as there will be no data on which to base that decision.

Changing the due date of a condition already adopted into a school's Performance Certificate would require a contractual negotiation with each school.

The PCSC must also consider how to address the financial section of the Performance Framework. The framework considers eight (8) measures. The "cash on hand", "cash ratio", and "total margin" measures will likely be directly impacted for all schools by the 1% holdback. In addition, funds that are paid to schools on a reimbursement basis are in flux, particularly transportation reimbursements and federal funds. Schools may need to find creative ways to manage their budgets while waiting for higher-level decisions to be finalized.

Each school's fiscal audit serves as the source data for the calculations used in each financial measure of the Performance Framework. As the fiscal year ends on June 30th, it is likely that some financial impacts that will eventually be mitigated, may not be reflected in the audit. Based on the current scoring rubrics in the Performance Framework, a school could be assigned a lower score than may actually be warranted.

The Covid-19 situation is changing daily, and we may not be able to predict all of the implications for this discussion at this time.

IMPACT

If the PCSC chooses to exempt schools from any given measure, no data will be provided to the PCSC.

If the PCSC chooses to grant flexibility to staff when scoring, Staff would consider context and make an informed decision based on the available data at the time of evaluation. Schools would have 30 days to respond to draft reports and the opportunity to provide additional evidence if they feel a score is lower than they deserve on any particular measure.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends that the PCSC exempt all schools from the proficiency and growth measures of the PCSC Performance Certificate for FY20.

Staff recommends that the PCSC not consider closure for schools with renewal conditions that could not be assessed on the date stated in the condition. In both of these cases, exemption would acknowledge that no data will be available and provide assurance to schools that their Performance Certificate (i.e. operational status) will not suffer consequences as a result.

Staff also recommends that the PCSC grant flexibility to staff in scoring the FY20 annual reports. As it is not possible to predict exactly how each school will be impacted, flexibility would allow the PCSC to still review the operational and financial status of its portfolio schools. This would help ensure that the PCSC remains aware of any struggles a school may be facing. It would also allow annual reports, which are presented to the public, to account for the context of the current health crisis and its economic impacts.

COMMISSION ACTION

A motion to exempt all schools from the proficiency and growth measures of the PCSC Performance Certificate for the FY20 annual reports,

And

To not consider closure for schools with renewal conditions due on June 30, 2020, if the outcomes stated in the condition could not be evaluated due to canceled ISAT assessments.

And

To grant PCSC staff flexibility in scoring the operational and financial measures of the FY20 annual reports on a case by case basis when there is evidence supporting Covid-19 impact to the school's outcomes on any particular measure.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

April 9, 2020

SUBJECT

Second Consideration of Performance Certificate Negotiation for Heritage Academy.

APPLICABLE STATUTE, RULE, OR POLICY

I.C. §33-5206(8)

IDAPA 08.02.04.302

BACKGROUND

Heritage Academy submitted a petition to revise its performance certificate originally on January 8th, and a revised version on January 21st. Pursuant to Idaho Code §33-5206(8), the authorizer must issue a decision to accept or reject the proposed changes within 75 days of receipt.

Heritage Academy is a K-8 school located in Jerome. The school offers a model focused on school-wide enrichment and had a full-term average daily attendance of 172 students in FY19. Heritage Academy's performance certificate was conditionally renewed in 2017 with two conditions (regarding academic proficiency and growth on the ISAT ELA and Math exams) to be met by June 30, 2020.

In the spring of 2019 the relationship between Heritage Academy and the PCSC was negatively impacted by comments made by PCSC staff and commissioners during an executive session. Heritage Academy is requesting revisions to its Performance Certificate as a means of addressing the impact.

DISCUSSION

On February 13, 2020 the PCSC approved several of the requests made by Heritage Academy including the proposed revision of the school's mission and vision statements, revision to the school's key design elements, a reduction of total school capacity, a redrawing of the school's primary attendance area, and assurance that the school may submit the IFARMS budget format to the PCSC each July.

At that time, the PCSC also decided to table it's decision to approve or deny the remaining performance certificate revisions proposed by Heritage Academy until the April meeting, delegating negotiations of these items to the PCSC director. Negotiations have taken place and the final recommendations are included in these materials.

Heritage Academy's director has indicated that the school is in agreement with all proposed revisions contained in the body of the Performance Certificate. Staff remains concerned about the gray highlighted sections.

In addition to the Performance Certificate negotiations, Heritage Academy's current Performance Certificate includes two (2) academic conditions that are due on 6/30/2020. No data will be available to evaluate the school's outcomes due to the canceling of ISAT assessments. These conditions will be addressed as per the PCSC's decision regarding the impact of Covid-19.

April 9, 2020

IMPACT

If the PCSC approves the proposed Performance Certificate, Heritage Academy will immediately begin operating under the amended Performance Certificate.

If the PCSC denies the amendment, Heritage Academy could appeal this decision to the State Board of Education, or could decide not to proceed any further.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends the PCSC approve the proposed revisions to the Heritage Academy Performance Certificate either excepting or revising the yellow highlighted sentences in Section 4E, Section 4F, and Section 7B of the Amended Performance Certificate as presented. Staff further recommends that the PCSC not consider closure for Heritage Academy due to failure to meet renewal conditions on June 30, 2020 as the assessments on which the conditions are based have been canceled due to Covid-19.

COMMISSION ACTION

A motion to approve the proposed revisions to the Heritage Academy Performance Certificate as presented, excepting the yellow highlighted language in Section 4E, Section 4F, and Section 7B.

OR

A motion to approve the proposed revisions to the Heritage Academy Performance Certificate as presented, with the following revisions to the yellow highlighted language in Section 4E, Section 4F, and Section 7B:

OR

A motion to deny the proposed revisions to the Heritage Academy Performance Certificate as presented.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

HERITAGE ACADEMY PERFORMANCE CERTIFICATE AMENDMENT

IN WITNESS WHEREOF, the Authorizer and Heritage Academy, Inc. have executed this Amendment to their Performance Certificate including:

- An adjusted mission and vision statement. See Section 3A.
- An adjusted list of Design Elements. See Section 3D.
- A notation that the Performance Framework included as Appendix B is mutually agreed upon. See Section 4A.
- A decrease in the school’s enrollment capacity to 207 students. See Section 5B.
- An adjustment to the school’s Primary Attendance Area. See Section 5E.
- An agreement to allow the School to submit their annual budget to the PCSC in the IFARMS format. See Section 6D.
- A clarification regarding how the Performance Framework will be used by the Authorizer. See Section 4B.
- An exemption from the Enrollment Variance measure and Financial measures of the Performance Framework (as detailed in Section 6D of the Performance Certificate) for FY20 and FY21. However, if the school’s audit reflects fewer than 15 days cash on hand, automatic closure or notification of potential closure will begin pursuant to I.C.833-5209C. See Sections 4D and 6D.
- A clarification of “Mission-Specific” to include “School-Specific”. See Section 4E.
- A statement clarifying that Heritage Academy will have the opportunity to provide written or oral testimony in any open or executive meeting of the PCSC at which the school’s performance outcomes are discussed. See Section 4E.
- An agreement that the Authorizer will accept an AdvancEd accreditation report in lieu of an Authorizer-led Pre-Renewal Site Visit. See Section 4G.
- An agreement to waive up to \$5,000 of the schools FY21 authorizer fee for the purposes of paying for an accreditation site visit through AdvancEd. See Section 4G.
- An adjustment in Condition 1 of the Renewal Conditions adopted on 2/7/2017. See Page 10 of this document.

All amendments are reflected in full in the body of the following Amended Performance Certificate. This Amendment to Heritage Academy’s Performance Certificate is effective as of April 9, 2020.

Chairperson, Idaho Public Charter School Commission

Date

Chairperson, Heritage Academy Board of Directors

Date

HERITAGE ACADEMY AMENDED PERFORMANCE CERTIFICATE

This performance certificate is executed on this 26th day of **June, 2017**, by and between the Idaho Public Charter School Commission (the “Authorizer”), and **Heritage Academy, Inc.** (the “School”), an independent public school organized as an Idaho nonprofit corporation and established under the Public Charter Schools Law, Idaho Code Section 33-5201 *et seq.*, as amended (the “Charter Schools Law.”)

RECITALS

WHEREAS, on **August 5, 2010**, the Authorizer approved a charter petition for the establishment of the School; and

WHEREAS, the School began operations in the year **2011**; and

WHEREAS, the School’s charter was renewed on **February 7, 2017** for a five-year term of operations,

NOW THEREFORE in consideration of the foregoing recitals and mutual understandings, the Authorizer and the School agree as follows:

SECTION 1: AUTHORIZATION OF CHARTER SCHOOL

- A. Continued Operation of School.** Pursuant to the Charter Schools Law, the Authorizer hereby approves the continued operation of the School on the terms and conditions set forth in this Charter School Performance Certificate (the “Certificate”). The approved Charter is attached to this Certificate as Appendix C.
- B. Term of Agreement.** This Certificate is effective as of **July 1, 2017**, and shall continue through **June 30, 2022**, unless earlier terminated as provided herein.

SECTION 2: SCHOOL GOVERNANCE

- A. Governing Board.** The School shall be governed by a board (the “Charter Board”) in a manner that is consistent with the terms of this Certificate so long as such provisions are in accordance with state, federal, and local law. The Charter Board shall have final authority and responsibility for the academic, financial, and organizational performance of the School. The Charter Board shall also have authority for and be responsible for policy and operational decisions of the School, although nothing herein shall prevent the Charter Board from delegating decision-making authority for policy and operational decisions to officers, employees and agents of the School, as well as third party management providers.
- B. Articles of Incorporation and Bylaws.** The articles of incorporation and bylaws of the entity holding the charter shall provide for governance of the operation of the School as a nonprofit corporation and public charter school and shall at all times be consistent with all applicable law and this Certificate. The articles of incorporation and bylaws are attached to this Certificate as Appendix D (the “Articles and Bylaws”). Any modification of the Articles and Bylaws must be submitted to the Authorizer within five (5) business days of approval by the Charter Board.

- C. Charter Board Composition.** The composition of the Charter Board shall at all times be determined by and consistent with the Articles and Bylaws and all applicable law and policy. The Charter Board shall notify the Authorizer of any changes to its composition and provide an amended School Leadership Roster within five (5) business days of their taking effect.

SECTION 3: EDUCATIONAL PROGRAM

A. School Mission and Vision.

- **Mission:** Our school community brings together the resources necessary to help all students grow and succeed.
- **Vision:**
 - Heritage Academy believes each student has gifts, talents and strengths.
 - We embrace a diverse student body and commit to creating a nurturing and supportive school culture.
 - Our school ensures that all students acquire the academic, interpersonal, critical thinking and problem-solving skills and mindsets to succeed in school, career and life.
 - Our goal is to enable students to become responsible, respectful and caring members of society.

B. Grades Served. The school may serve students in Kindergarten through grade 8.

C. Design Elements. The School shall implement and maintain the following essential design elements of its educational program:

- Use the School Enrichment Model (SEM) to provide expanded educational opportunities for all students based on their strengths and interests in order to engage them in their learning, thereby raising expectations and achievement for all. The fundamental aspect of the SEM is Enrichment Clusters
 - Each student participates in at least one enrichment cluster per school year. Clusters last 6-12 weeks, and typically meet once per week.
 - Students work in small groups to produce products or services that solve real-world problems and benefit the students, their school, or the larger community.
- Strong Social Emotional Learning (SEL) program
 - Implementation of 7 Mindsets Program
 - Safe environment
 - Students are provided with a safe school facility.
 - Students have access to adults willing to listen and protect students' safety.
 - Students are provided with education and tools to encourage safe behavior among themselves.
 - A strong, anti-bullying policy will be enforced.
- Community School Approach to Meeting the Needs of Students and Families
 - Community partnerships developed to support students and families
 - Social, emotional and academic needs of students and families are addressed as part of a comprehensive approach to helping students succeed in school and in life.

D. Standardized Testing. Students of the School shall be tested with the same standardized tests as other Idaho public school students.

E. Accreditation. The School shall be accredited as provided by rule of the state board of education.

SECTION 4: AUTHORIZER ROLE AND RESPONSIBILITIES

- A. Oversight Allowing Autonomy.** The Authorizer shall comply with the provisions of Charter School Law and the terms of this Certificate in a manner that does not unduly inhibit the autonomy of the School. The Authorizer's Role will be to evaluate the School's outcomes according to this Certificate and the mutually agreed upon Performance Framework rather than to establish the process by which the School achieves the outcomes sought.
- B. Charter School Performance Framework.** The Charter School Performance Framework ("Performance Framework") is attached and incorporated into this agreement as Appendix B. The Performance Framework shall be used to evaluate the School's performance primarily for purposes of renewal and enforcement in compliance with Idaho Code, and shall supersede and replace any and all assessment measures, educational goals and objectives, financial operations metrics, and operational performance metrics set forth in the Charter and not explicitly incorporated into the Performance Framework. The specific terms of the Performance Framework, including any required indicators, measures, metrics, and targets, shall be compliant with statutory requirements, be mutually agreed upon by the Authorizer and the school, and shall be binding on the School.
- C. Authorizer to Monitor School Performance.** The Authorizer shall monitor and report on the School's progress in relation to the indicators, measures, metrics and targets set out in the Performance Framework. The School shall be subject to an annual formal review based on the Performance Framework.
- D. School Performance.** Heritage Academy shall be exempt from the enrollment variance measure and the financial measures of the performance framework (as detailed in Section 6D of this document) for FY20 and FY21. Otherwise The School shall meet the standard on all measures included in the Performance Framework. In the event the School is a party to a third party management contract which includes a deficit protection clause, the School shall be exempt from some or all measures within the financial portion of the Performance Framework. In accordance with Charter School Law, the Authorizer shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal.
- E. Performance Framework As Basis For Renewal of Charter.** The School's performance in relation to the indicators, measures, metrics and targets set forth in the Performance Framework shall provide the basis upon which the Authorizer will decide whether to renew the School's Charter at the end of the current Certificate term. As part of the Performance Framework, the Authorizer agrees to consider school-specific or mission-specific, rigorous, valid, and reliable indicators of the School's performance. These negotiated indicators will be included in the Mission-Specific portion of the Academic and Mission Specific section of the Performance Framework. The School shall have the opportunity to respond orally and/or in

writing at any open Commission meeting or executive session thereof at which the school's academic, operational, financial performance or any other school-specific information is discussed. The school will receive notice a minimum of twenty eight (28) days prior to any meeting at which the school will be discussed. The school will have a minimum of twenty-one (21) days to provide materials for inclusion in the official meeting materials. During FY 2020 and FY 2021, the Authorizer shall consider the negative ramifications to the school that occurred as a result of the April, 2019 Commission Meeting and shall not hold such negative ramifications against the school during the renewal process.

F. Authorizer's Right to Review. The School will be subject to review of its academics, operations and finances by the Authorizer, including related policies, documents and records, when the Authorizer deems such review necessary. The Authorizer shall conduct its reviews in a manner that does not unduly inhibit the autonomy granted to the School and which shall further be cognizant of the damage caused by the Commission's April, 2019 meeting.

G. Site Visits. The Authorizer may conduct a site visit at any time if the Authorizer has reasonable concern regarding the operations and performance of the School. In such a case, the School shall grant reasonable access to, and cooperate with, the Authorizer, its officers, employees and other agents, including allowing site visits by the Authorizer, its officers, employees, or other agents, for the purpose of allowing the Authorizer to fully evaluate the operations and performance of the School. The Authorizer will provide the School a minimum of fourteen (14) days' notice prior to site visits to the School. Notice shall include the purpose of the visit and the names of the visiting representatives. The Authorizer shall ensure that all site visits include at least two (2) representatives. One representative shall hold current certification in K-12 education administration and a minimum of five (5) years of experience serving in a school with demographic characteristics within fifteen percent (15%) of the School for the following demographic characteristics: percent of students who qualify for free or reduced-price lunches, percent of students who qualify for special education services, percent of students who qualify for English Learner services. In the event that a Commissioner visits the school, the Authorizer shall provide a representative who meets the above criteria to accompany the Commissioner.

For the purposes of renewal, the Authorizer shall accept a site-visit report from the recognized public school accreditation agency (currently AdvancEd) in lieu of conducting an independent site-visit. In addition, the Authorizer agrees to a one-time waiver of up to \$5,000 of the authorizer fee (as assessed in March of 2021, and in addition to the 10% for purposes of payment of membership dues), based on verifiable costs incurred for an accreditation site-visit. The School shall have an opportunity to provide a written response to the site visit report no later than fourteen (14) days prior to the meeting at which the report is to be considered by the Authorizer. The School shall have the opportunity to respond orally or in writing at any commission meeting at which the site visit is discussed. It shall be the duty of the Authorizer to notify the School no later than twenty-eight (28) days prior to any meeting at which the site visit will be discussed.

H. Required Reports. The School shall prepare and submit reports regarding its governance, operations, and/or finances according to the established policies of and upon the request of the Authorizer. However, to the extent possible, the Authorizer shall not request reports from the School that are otherwise available through student information systems or other data sources reasonably available to the Authorizer.

SECTION 5: SCHOOL OPERATIONS

- A. In General.** The School and the Charter Board shall operate at all times in accordance with all federal and state laws, local ordinances, regulations and Authorizer policies applicable to charter schools.
- B. Maximum Enrollment.** The maximum number of students who may be enrolled in the school shall be 207 students. The maximum number of students who may be enrolled per class/grade level shall be as follows: 20 students per grade level in kindergarten, 1st, and 2nd grade; 22 students in 3rd grade; 25 students in grades 4-8.
- C. Enrollment Policy.** The School shall make student recruitment, admissions, enrollment and retention decisions in a nondiscriminatory manner and without regard to race, color, creed, national origin, sex, marital status, religion, ancestry, disability or need for special education services. In no event may the School limit admission based on race, ethnicity, national origin, disability, gender, income level, athletic ability, or proficiency in the English language. If there are more applications to enroll in the charter school than there are spaces available, the charter school shall select students to attend using a random selection process that shall be publicly noticed and open to the public.
- D. School Facilities.** 500 S. Lincoln Ave, Jerome, Idaho, 83338. The School shall provide reasonable notification to the Authorizer of any change in the location of its facilities.
- E. Attendance Area.** The School's primary attendance area is as follows:
North Boundary: 900 North Road (Northern Jerome County Boundary)
East Boundary: 500 East Road
South Boundary: Golf Course Road (700 South) (Southern Jerome County Boundary)
West Boundary: 500 West Road (Western Jerome County Boundary)
- F. Staff.** Instructional staff shall be certified teachers as provided by rule of the state board of education. All full-time staff members of the School will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.
- G. Alignment with All Applicable Law.** The School shall comply with all applicable federal and state laws, rules, and regulations. In the event any such laws, rules, or regulations are amended, the School shall be bound by any such amendment upon the effective date of said amendment.

SECTION 6: SCHOOL FINANCE

- A. General.** The School shall comply with all applicable financial and budget statutes, rules, regulations, and financial reporting requirements, as well as the requirements contained in the Performance Framework incorporated into this agreement as Appendix B.
- B. Financial Controls.** At all times, the Charter School shall maintain appropriate governance and managerial procedures and financial controls which procedures and controls shall include, but not be limited to: (1) commonly accepted accounting practices and the capacity to implement them (2) a checking account; (3) adequate payroll procedures; (4) procedures for the creation and review of monthly and quarterly financial reports, which procedures shall specifically identify the individual who will be responsible for preparing such financial reports in the following fiscal year; (5) internal control procedures for cash receipts, cash disbursements and purchases; and (6) maintenance of asset registers and financial procedures for grants in accordance with applicable state and federal law.
- C. Financial Audit.** The School shall submit audited financial statements from an independent auditor to the Authorizer no later than November 1 of each year.
- D. Annual Budgets.** The School shall adopt a budget for each fiscal year, prior to the beginning of the fiscal year. The budget shall be in the Idaho Financial Accounting Reporting Management Systems (IFARMS) format and any other format required for submission to the Idaho State Department of Education. Heritage Academy shall be exempt from the cash flow and cash ratio measures of the Performance Framework in FY20 and FY21. The school will also be exempt from the cash on hand measure in FY20 and FY21, excepting if the school's audit reflects fewer than 15 days cash on hand. In such a case, notification of closure or automatic closure will begin pursuant to I.C. §33-5209C.

SECTION 7: TERMINATION, NON-RENEWAL AND REVOCATION

- A. Termination by the School.** Should the School choose to terminate its Charter before the expiration of the Certificate, it may do so upon written notice to the Authorizer. Any school terminating its charter shall work with the Authorizer to ensure a smooth and orderly closure and transition for students and parents, as guided by the public charter school closure protocol established by the Authorizer attached as Appendix E.
- B. Nonrenewal.** The Authorizer may non-renew the Charter at the expiration of the Certificate if the School failed to meet one (1) or more of the terms of its Certificate, **when such failure was not the result of the Commission's April, 2019 meeting.** Any school which is not renewed shall work with the Authorizer to ensure a smooth and orderly closure and transition for students and parents, as guided by the public charter school closure protocol established by the Authorizer attached as Appendix E.
- C. Revocation.** The School's Charter may be revoked by the Authorizer if the School has failed to meet any of the specific, written renewal conditions attached, if applicable, as Appendix A for necessary improvements established pursuant to Idaho Code § 33- 5209B(1) by the dates specified. Revocation may not occur until the public charter school has been afforded a public hearing, unless the Authorizer determines that continued operation of the public charter school

presents an imminent public safety issue. If the School's Charter is revoked, the School shall work with the Authorizer ensure a smooth and orderly closure and transition for students and parents, as guided by the public charter school closure protocol established by the Authorizer attached as Appendix E.

- D. Dissolution.** Upon termination of the Charter for any reason by the Charter Board, or upon nonrenewal or revocation, the Charter Board will supervise and have authority to conduct the winding up of the business and other affairs of the School; provided, however, that in doing so the Authorizer will not be responsible for and will not assume any liability incurred by the School. The Charter Board and School personnel shall cooperate fully with the winding up of the affairs of the School.
- E. Disposition of School's Assets upon Termination or Dissolution.** Upon termination of the Charter for any reason, any assets owned by the School shall be distributed in accordance with Charter School Law.

SECTION 8: MISCELLANEOUS

- A. No Employee or Agency Relationship.** None of the provisions of this Certificate will be construed to create a relationship of agency, representation, joint venture, ownership, or employment between the Authorizer and the School.
- B. Additional Services.** Except as may be expressly provided in this Certificate, as set forth in any subsequent written agreement between the School and the Authorizer, or as maybe required by law, neither the School nor the Authorizer shall be entitled to the use of or access to the services, supplies, or facilities of the other.
- C. No Third-Party Beneficiary.** This Certificate shall not create any rights in any third parties, nor shall any third party be entitled to enforce any rights or obligations that may be possessed by either party to this Certificate.
- D. Amendment.** This Certificate may be amended by agreement between the School and the Authorizer in accordance with Authorizer policy. All amendments must be in writing and signed by the School and the Authorizer.

IN WITNESS WHEREOF, the Authorizer and the School have executed this amendment to the Performance Certificate to be effective: 4/9/2020.

Chairperson, Idaho Public Charter School Commission

Chairperson, Heritage Academy, Inc. Board of Directors