



**IDAHO**  
VIRTUAL ACADEMY

# **Charter School Application Idaho Virtual Academy**

A Online Public Virtual Charter School

BEFORE THE IDAHO STATE BOARD OF EDUCATION  
CHARTER COMMISSION\*

Amended

Originally approved by Butte County School District Board of Trustees,  
April 17, 2002.

Approved by Charter Commission on October 28, 2004

Approved as amended June, 2005

Approved as amended March 20, 2007

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Approved as amended August 17, 2010

Submitted By:

The Board of The Idaho Virtual Academy  
1965 S. Eagle Road, Suite 190  
Meridian, Idaho

“The issue before us now is how to make good on the Internet’s power for learning and how to move from promise to practice.”

From: The Report of the Web-Based Education Committee to the President and Congress of the United States

## Executive Summary

**Commission Application.** The Idaho Virtual Academy (IDVA) is presenting this Charter Petition to the Commission seeking to update the Charter as originally approved by the Butte School District No. 111 and thereafter transferred to the Idaho Public Charter School Commission. Due to the statewide nature of the school and its status as a Local Education Agency (LEA) status, we believe it is appropriate for the Commission to act as authorizing entity IDVA. ***(See Appendix for petition signatures and for Tracking Form Approval Documentation.)***

**Mission and Purpose.** IDVA aims to empower students throughout Idaho with an innovative and effective educational program. The school seeks to develop those qualities of mind and character that will help students become active, thoughtful, and responsible citizens. Furthermore, it aims to help students meet high expectations by offering an individualized, rigorous, self-paced, and mastery-based instructional program that incorporates significant parental involvement. This is accomplished through an innovative Internet/Online learning program that connects students, parents, and teachers in a 21<sup>st</sup> century learning community. A research-based curriculum developed by k12 Inc. is used to prepare Idaho students to meet the educational goals of the school. The self-paced nature of the program means that gifted students can dig deeply into the rich curriculum, while students having difficulty can spend more time attaining mastery. The k12-developed lesson plans and curriculum-based assessments guarantee consistent quality access for all students. ***(See Appendix for Accreditation Documentation.)***

**Board of Directors.** IDVA is a public charter school managed by a non-profit corporation under the Idaho Nonprofit Corporation Act and the Idaho Charter Schools Act. The Board of Directors control and govern the operations of the school and are comprised of individuals throughout the state of Idaho. These individuals are leaders in business, government, and their local community and include parents of students who attend IDVA. The Board conducts regular, special and annual meetings in compliance with provisions of the Idaho Code. The Board is actively involved with k12 Inc. in the selection of administrative personnel who work with the school under the Service Agreement between IDVA and k12 Inc. and has approved of the selection of administrative personnel. The Board is responsible for the selection and adoption of the educational program of the school, as well as the approval/disapproval of recommendations brought to the Board for personnel, programs, policies, and procedures of the school. Pursuant to policy, a member of the Board personally reviews the invoices of IDVA for accuracy prior to approval of payment. Subcommittees of the Board have been established to address various programs and activities of the school. IDVA’s Board follows all provisions of the Open Meetings Law of the State of

Idaho and maintains minutes of all Board meetings; these minutes are available for public inspection and/or copying, as are all other documents encompassed under the public records laws of the State of Idaho. ***(See Appendix for Articles of Incorporation and Amended ByLaws.***

**Type of School.** IDVA is a statewide virtual public charter school created under the laws of the State of Idaho. This charter program has been in continual operation since the initial approval of the Charter by the Butte County School District No. 111. The school has never been involved in the conversion or replacement of any existing school.

**Educational Program.** The IDVA curriculum is provided by k12 Inc. under the control and supervision of the IDVA Board. The curriculum is aligned with the Idaho State Standards. This dynamic curriculum includes an online school component as well as student work performed away from the computer using books, workbooks, a phonics program, math manipulatives science and musical equipment, and other materials that are shipped directly to the student. Idaho-certified teachers oversee the learning of each child in their class by reviewing student work for quality, accuracy, and understanding; by accessing students' online academic records (including daily lessons and assessments); and by communicating directly with the student and family on a regular basis. Teachers also grade student work and are available during school hours via phone or e-mail when students (or adults) have questions. ***(See Appendix for Curriculum and Standards Alignment and information regarding k12.)***

Notwithstanding the virtual purpose and operation of the school, IDVA may engage in professional technical programs, either individually or as part of a consortium or organization of other public schools providing virtual technical education, in any and all modes of provision of educational services, including but not limited to virtual education, hybrid model of education and/or traditional school building/classroom setting. This exception to the traditional educational program is in recognition that varying professional technical programs may best be supplemented through a component involving hands on education.

**Staff and Administrative Composition.** Administrative services are provided to IDVA through a Service Agreement between IDVA and k12, Inc. IDVA Board members are actively involved in the selection and evaluation of administrative personnel for the school. The teachers of IDVA are employed by the Academy through the use of Idaho Standard Teachers' Contracts. School personnel are required to hold the appropriate Idaho teaching certifications and endorsements. IDVA teachers hold highly qualified status under No Child Left Behind Act (NCLB) or are working towards this status on an approved program of instruction.

**School Facility and Attendance Area.** The school's main administrative office is headquartered in Meridian, Idaho. Administrators, teachers and satellite offices/testing centers are located throughout the state. The location of satellite offices during any given school year is dependent upon administrator locations and student geographical

data. In most cases, teachers work from their homes and travel throughout their geographical region to provide educational services to their assigned students. The school's attendance area is the State of Idaho.

**Grade Levels and Projected Enrollment.** For the 2006-2007 school year, IDVA will be serving students in grades K-10. Through the discretion of the Board of IDVA, as granted by the Idaho Public Charter School Commission, the school has expanded the program to serve grades K-12,.

**Funding Sources.** Basic funding for the school is provided as available under the Idaho Code as well as through federal funding programs. IDVA also seeks funding to support educational programs from private entities, individuals and governmental programs.

**Food Services.** As a public virtual charter school, food services are not applicable to this program.

**Contract Services.** As identified above, a Service Agreement exists between IDVA and k12 for the provision of administrative services, curriculum and materials, and technology services. This Agreement has been amended from time to time, as necessary.

**Budget and Fiscal Issues.** The IDVA Board approves a balanced budget prior to the beginning of each school year. Budgetary and financial documentation is provided on an annual basis.

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## I. **Mission and Vision**

### **Mission Statement**

**The Idaho Virtual Academy will strive for student mastery of a rigorous, research-based curriculum delivered on- and off-line that puts public school accountability, teacher competence, and parent/adult involvement at the center of student learning.**

### **Vision Statement**

**Empowering students, teacher and parents today with the tools of tomorrow.**

## II. **Educational Program and Philosophy**

An educated person in the 21st century needs to have a solid understanding of fundamental concepts from the core academic subjects. Tomorrow's educated person will also need additional skills and knowledge beyond the core subjects. The school intends to educate students in grades K - 12 throughout Idaho. Our approach is to employ research-based lessons fused to a technologically sophisticated delivery system.

The Idaho Virtual Academy is built upon the premise that, given a comprehensive and mastery-based curriculum, high expectations, technology, strong instructional support, a significant amount of off-line work, guidance from experienced teachers, and a strong commitment from parents (or other caring adults), a well-conceived virtual education program can foster measurable student achievement, serve the unique needs of students and families, and offer a new choice for public education in the 21st century.

### **A. Improving Learning and Increasing Opportunities**

Our academic objective is to improve student achievement. IDVA's educational program is rooted in developing reading, writing, mathematical, and critical-thinking skills through content-rich materials.

#### **Research-Based Approach**

At IDVA we use methods and curricula that are backed by research: phonics for reading, basic math facts early, hands-on learning, plenty of "read aloud" and written work for younger children, and more. We also embrace promising new approaches (for example, adaptive learning via the Web), and we emphasize using multimedia technology (e.g., Flash animation with video and audio plug-ins) in innovative ways.

The curriculum we have chosen, k12, has been and continues to be developed and reviewed by recognized leaders in their fields.

Parental involvement is another proven method that distinguishes our program. When parents become active and informed partners in their child's education, test scores rise, drop-out rates fall, and the active pursuit of learning becomes a compelling focus for each family.

The k12 curriculum is standards-based and is designed to meet or exceed the Idaho state standards. A detailed table illustrating the alignment of k12's curriculum with Idaho's standards in has been provided to the Commission and will continue to be provided as each grade level is added. Curriculum for each added successive school year has been provided upon completion.

#### Special Education Student/Section 504/ADA

The Academy will comply with the Individuals with Disabilities in Education Act ("IDEA"), Section 504 of the Rehabilitation Act ("Section 504"), and the Americans with Disabilities Act ("ADA"). The Academy shall be solely responsible for compliance with Section 504 and the ADA. The Academy has worked diligently to ensure full compliance with the IDEA. As an LEA, IDVA will be responsible for assuring compliance with these programs.

The Academy shall comply with all applicable federal law in regard to services and the education of Limited English Proficient (LEP) students. The Academy has developed and implemented policies and procedures for the provision of, services to ELL students in accordance with guidance published by the Office for Civil Rights of the U.S. Department of Education. These policies and procedures ensure the following:

- Identify students who need assistance;
- Develop a program that in the view of experts in the field, has a reasonable chance for success;
- Ensure that necessary staff, curricular materials and facilities are in place and used properly;
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students, and assess the success of the program and modify it where needed.

#### **B. Innovative Teaching Methods**

In the IDVA model, an experienced and certified teacher serves as mentor and team leader to parent team members. Our teachers are charged with overseeing content coverage and ensuring proper delivery of the instructional system. Our teachers assist

both responsible adults and students with curriculum questions. They also provide instructional assistance and make suggestions about employing a variety of learning strategies. As a first priority, teachers are assigned geographically to their students and then on a space-available status. Teachers are available by phone, e-mail, and in-person visits to ensure that each child is progressing towards his or her individual goals. Teachers provide direct instruction to students through the use of the web conferencing tool, Elluminate. IDVA Teachers also conduct face-to-face instructional workshops in mathematics and writing for parents and students. Teachers may conduct a virtual class relating to a specific lesson or subject matter through the use of Elluminate.

Parents (or other responsible adults) guide children through the daily lessons and help ensure that students are learning. Parents also communicate regularly with teachers and help students manage their time. Attendance logs are maintained to track the minutes and hours of student attendance to meet the school's attendance requirements.

Though our delivery of material is unique, our approach to pedagogy is not. To accommodate the diverse learning styles of children, we employ a variety of teaching strategies, including individualized direct instruction or direct instruction through Elluminate, hands-on exploration, use of manipulatives, practice exercises, and "distributed review"--a method of including previous lesson material in a current lesson for the purpose of reinforcing and reviewing the content.

The IDVA program includes detailed instructional guides, clear and intuitive presentation of lessons, a comprehensive on-line help system, technical support, optional challenge problems, and secondary lessons in some subjects.

By setting goals, collecting and grading assignments, giving support and advice, and drawing on their years of experience and training, teachers work to ensure student success. Through the use of ongoing lesson and unit assessments, combined with portfolios and anecdotal records, teachers are intimately familiar with each student's progress.

### **C. Performance-Based Accountability**

IDVA uses technology to alter the typical school day and school year—to change the dynamics of time and learning as well as what is measured and how it is measured.

Students progress through the curriculum at the pace that meets their individual needs. Mastering curriculum early allows students to move ahead and those who need extra time or remediation are able to work at an individualized pace.

Our approach is to focus on measuring *learning*. The Internet- student learning system measures "positive attendance" (i.e., time spent on task)—and allows us to measure learning (as evidenced by mastery of our daily assessments) in "real time." Since IDVA

is a mastery-based program, we continually assess student progress through the curriculum via lesson-, unit-, and semester assessments.

Each student's level of achievement is assessed on a daily basis, according to explicit and measurable achievement standards, dictated by the k12 curriculum.

### **III. Goals**

The IDVA Board, administration, and teaching staff share a vision for student success that is measurable and meaningful. We view it as our responsibility to educate the whole child, and feel that the tools for success lie in a strong foundation in academic content. Therefore, we will have both academic goals and non-academic goals, as outlined below. These goals are subject to modification from time to time by the IDVA Board, with approval by the Charter Commission.

#### **A. Academic Goals:**

- (1) Students will demonstrate mastery of a curriculum that meets the Idaho Achievement standards and Idaho Graduation Requirements.
- (2) Students will demonstrate their mastery through a variety of measures including participation in the state testing program, curriculum based assessments and conferences with their teachers.
- (2) Students will demonstrate strong proficiency in language arts.
- (3) Students will demonstrate strong proficiency in mathematics.
- (4) Students will develop a strong foundation of knowledge, facts, and skills in History, Geography, Civics, Science, Art, Music, Economics, and other disciplines.
- (5) Students will develop critical reasoning and higher-order thinking skills.
- (6) Students will prepare for a rigorous post-secondary education.
- (7) Students will acquire skills in both art and music as part of their aesthetic development.

#### **B. Non-Academic Goals:**

Our primary non-academic goal is to develop those qualities of mind and character that will help students become active, thoughtful, and responsible citizens. Our choice of materials and approach are designed to communicate and build commonly shared

values such as honesty, integrity, courage, discipline, compassion, respect for others, and appreciation of the work ethic.

- (1) Through the Curriculum and Educational Program:
  - (a) Students will be responsible for the improvement of their school and local community.
  - (b) Students will develop important personal traits such as honesty, courage, loyalty, personal responsibility, perseverance, respect for others, and diligence.
  - (c) Students will develop effective work habits and skills that will prepare them for the demands of school, society, business, government, and civic affairs.
  - (d) Students will rise to meet high expectations of behavior and performance.
  - (e) Students will learn habits of healthy living.
- (2) Students will be expected to complete a senior project approved by the designated School Administrator.
- (3) School Clubs and Organizations will be encouraged to participate in a community service project.

#### IV. Curriculum and Delivery

As stated in the Executive Summary, the IDVA virtual charter educational program entails work online but also individual student work away from the computer using books, workbooks, a phonics program, math manipulatives, science and musical equipment, and additional curricular materials (all of which are shipped directly to every family enrolling a student in the school). Lessons have teaching components, practice components, assessments, and optional challenge programs. The self-paced nature of the program allows students to progress at their individual abilities.

Idaho-certified teachers oversee the learning of each student in their class by reviewing student work for quality, accuracy, and understanding; accessing their online academic records and communicating with the student and/or parent (or other responsible adult) on a regular basis at teacher conferences. Teachers grade student work and are available daily via phone or e-mail. Teachers primarily work from their homes. The school administration maintains a Main Office in Boise and satellite offices.

Notwithstanding the virtual purpose and operation of the school, IDVA may engage in professional technical programs, either individually or as part of a consortium or organization of other public schools providing virtual technical education, in any and all modes of provision of educational services, including but not limited to virtual education, hybrid model of education and/or traditional school building/classroom setting. This exception to the traditional educational program is in recognition that varying professional technical programs may best be supplemented through a component involving hands on education.

A detailed version of our curriculum can be obtained upon request to the school's main office.

## V. Instruction

IDVA will continue to meet the standards and goals set forth by the Idaho Department of Education, as they are adopted and/or amended. IDVA has adopted the Idaho High School Graduation Requirements as a minimum expectation for high school students.

### A Complete Education Foundation

**IDVA has a complete curriculum program that meets Idaho's Academic Standards and the subject-area standards. This program includes:**

- **Internal Assessments and Individualized Placement:** Internal assessments are built into the on-line components of the school's academic program. These assessments are an integral part of instruction, including initial placement assessments in reading and math to discover the child's current level of competence. Regular assessment (integrated into the lessons) allows us to monitor and foster each child's progress.
- **Mathematics:** IDVA's Math program balances mastery of fundamental skills with critical thinking and problem-solving. The Math program emphasizes an active, multi-sensory approach to ensure that students understand the concrete realities that underlie mathematical concepts. Regular practice and review ensure mastery of basic skills. Online games and animations motivate students and help illustrate concepts, while challenge problems help develop critical-thinking skills.
- **Language Arts:** IDVA's Language Arts/English program builds important reading and writing skills while inspiring a love of literature. Combining Phonics, Literature, Language Skills, and Spelling lessons, the Language Arts/English program emphasizes classic works, teaches writing as a process, and prepares students for standardized tests in language skills and reading comprehension.
- **History:** IDVA's History program, with integrated topics in Geography and Civics, opens young minds and imaginations to far-off lands, distant times, and diverse people. The program emphasizes the *story* in History—a story that includes not only great men and women but also everyday people. The kindergarten History program takes students on a world tour of the seven continents, and provides an overview of American History through a series of biographies of famous Americans. The History program in grades 1-4 tells the story of civilization from the Stone Age to the Space Age. Older students explore major themes and topics in greater depth through a pair of two-year survey courses, one on World History and the other on American History.
- **Science:** IDVA's Science program balances hands-on experience with systematic study of scientific terms and concepts. Students perform many experiments to help them understand scientific principles, and receive guided instruction in important scientific concepts. Exploring life, earth, and physical sciences in each grade, the science program nurtures curiosity, analytical skills,

and an appreciation of how the world is shaped by ongoing scientific and technological advances.

- **Art:** Following the timelines in the History lessons, Art lessons introduce students to great works of art from different cultures and eras, while engaging them in creative activity—painting, drawing, molding with clay, and so on. Students learn to recognize artistic techniques and elements of design, express informed opinions about specific pieces, and develop an appreciation for great works of art.
- **Music:** IDVA's Music program is set up as a successive series of programs. Assuming no prior musical training, the lessons help students learn about and appreciate music, from singing and dancing to learning about rhythm and playing the recorder.
- **Health, Safety, and Physical Education:** Instruction in health, safety, and physical education program is also offered as part of the IDVA curriculum

Each full-time enrolled student is provided access to a computer system (including computer, printer, software, and ISP connection) and various instructional materials (including books, workbooks, science lab equipment, etc.) from the school to support the learning process. These computer systems and printed materials are the property of K12, Inc, and must be returned when the student leaves the school. Each IDVA-provided computer is equipped with a filtering system and each parent must sign an Agreement for Acceptable Use of Technology Policy as it relates to computer content and software. The school provides technical support and troubleshooting for these systems. Computer systems will be upgraded and replaced as needed. Broadband Internet access is made available to families.

## VI. Assessment

### A. State Testing System

The Academy, as required by law, participates in the state-testing program, including the ISAT and IRI. The School complies with all testing requirements of the state. The data generated from these assessments is used by the Academy as a factor in determining the progress students are making towards meeting the Idaho Achievement Standards. This data is also used by the school to determine areas of curriculum and program improvement.

### B. Idaho Virtual Academy Assessment System

The Academy assesses student performance in all subject areas with our own internal assessment system designed to determine how students are meeting the specific goals of the curriculum. These assessments also help the Academy to improve the learning program by providing information on the effectiveness of instructional activities.

The Academy assessment system consists of the following:

#### Lesson Assessments

In Math, Science, Art, Music, and History, every lesson is followed by a brief assessment. In Language Arts, there are assessments after every grammar, usage, mechanics, and composition lesson. Guided reading has lesson assessments every few days, and spelling and phonics offer assessments after every fifth lesson. These assessments show whether the student has achieved the objectives for that lesson, or whether a review of some, or all, of the lesson is advisable.

#### Unit and Semester Assessments

In many subjects, the student takes an assessment at the end of a unit. These assessments show whether or not the student has retained key learning objectives for the unit. There are similar semester assessments, with equivalent purposes, in the middle and at the end of a year's worth of content for many subjects. The results of the semester and unit assessments can be used to guide review or additional practice.

The Academy also has a system of qualitative evaluation. At least every two weeks, teachers have conferences (by phone/email) with students and/or parents to review progress and set goals. Each semester, students will be assigned a progress report, reflecting their completed work, their progress toward stated goals, and results from all quantitative assessments. Both quantitative and qualitative information are considered in assigning grades and recommending promotion for individual students.

## **VII. Health & Safety**

IDVA operates a virtual education program. As typically there is no traditional classroom setting, many of the issues of health and safety become the responsibility of the parent in the home.

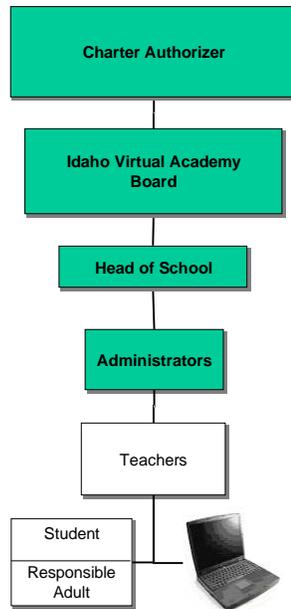
Administrative offices and other facilities are in compliance with all required federal, state and local regulations as required for public schools.

Parents are expected to demonstrate that their children obtain proper immunizations upon admission according to Idaho Statutes (39-4801). Immunization forms and other pertinent medical records are kept (confidentially) by the school administration.

Conduct criminal history checks for all employees in compliance with Idaho Code 33-130.

Additional policies and procedures are implemented by the Board, as needed.

## VIII. Governance



The Academy is a nonprofit corporation pursuant to Idaho law. The school is governed pursuant to the ByLaws adopted by the Incorporators and subsequently amended pursuant to the amendment process specified in the ByLaws.

The Board consists of at least five individuals from Idaho who are leaders in their communities across multiple sectors (public, private, non-profit). Some members of the Board are parents of students enrolled in IDVA. The Board meets regularly to oversee the management, operation, activities, and affairs of the school. The Board defines, composes, and revises (as needed) the policies of IDVA and ensures compliance with its charter agreement and applicable laws and regulations.

IDVA Directors do not receive compensation for their service as Board members, and may resign at any time by giving appropriate written notice. Directors may be removed, for cause, by an affirmative vote of two-thirds of the remaining members of the Board. Unless notice is waived by the director, any director facing possible removal must be provided with written notice of the intent to hold a vote on possible director removal seven (7) days prior to the date that the matter will be voted upon. The Board Chairperson will use revised Robert's Rules of Order as deemed necessary. The Board will set its own threshold for minimum Board attendance policies as well as possible sanctions for repeated or habitual unexcused non-attendance.

The IDVA Board of Directors shall be considered the Board of Directors for purposes of the nonprofit corporation. The Board of Directors will elect the officers of the corporation and determine the duration of their term(s). The Board of Directors will govern in accordance with the Articles of Incorporation and the Amended By-Laws of Idaho Virtual Academy, Inc. (See **Appendix** for a copy of the Articles of Incorporation and By-Laws, as amended.)

All meetings of the Board of Directors for the Academy are held in accordance with open meetings laws.

The Board, at its discretion, may vote to expand its membership and/or create subcommittees. Specific responsibilities of the Board are defined in the By-Laws.

This charter is a grant of authority approved by the Commission to the Board of Directors of the Academy pursuant to 33-502A(2), Idaho Code.

## IX. Parent Involvement

Parents are actively encouraged to work with the school and parent organizations including:

- Board of Directors, and
- Community/Parent Teacher Advisory Board or other *ad hoc* committees
- Family informational sessions
- Student outings and field trips
- Student community service projects

### Parent Involvement in School Affairs

Parents provide feedback regarding the school's program each year through meetings and surveys. Experienced IDVA families serve as mentors to new families.

Parents are trained on the IDVA instructional system. Parents are taught how to be effective instructional coaches, under the guidance of qualified and certified teachers.

## **X. Personnel**

The staffing plans for IDVA will change each year depending upon the needs of the school.

### **Statutory Requirements of Staff:**

The Academy will meet, or exceed, at the discretion of the Governing Board, Idaho Code for statutory requirements:

- a. Criminal background checks (I.C. 33-130)
- b. Non-discriminatory hiring and dismissal policies (Section 504 of Rehab. Act)
- c. Discipline of classified and certificated personnel (I.C. 33-513(5))
- d. A grievance procedure for certificated and noncertificated personnel (I.C. 33-517)
- e. Provision for sick and other leave (I.C. 33-1216)
- f. The accumulation of unused sick leave and transfer (I.C. 33-1217)
- g. Sick leave allowance at retirement (I.C. 33-1228)
- h. Released time for service on state committees and commissions (I.C. 33-1279)
- i. Employment on a contract; to be delivered within time lines given in the Idaho Code.
- j. Withholding the salary of any certificated employee not holding a valid Idaho certificate (I.C. 33-513(1))
- k. Endorsement of certificates by employing school organizations (I.C. 33-1207)
- l. Annual contract issuance requirements for certificated employees (I.C. 33-514)
- m. Renewable contract evaluation and recommendation requirements (I.C. 33-515)
- n. Hiring and evaluation of noncertificated personnel (I.C. 33-517)
- o. Health insurance provision available for noncertificated personnel (I.C. 33-517A)
- p. Proper provisions for personnel files (I.C. 33-518)
- q. All employees will be covered by the Idaho public employees retirement system, federal social security, unemployment insurance and worker's compensation insurance (I.C. 33-5205(3)(k))
- r. Teachers and administrators employed by IDVA will be employed on a written contract in a form approved by the state superintendent of public instruction, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon their duties as required by statute.

### **Employee Benefits**

All staff members of the Charter School are covered by the public employee retirement system (PERSI), federal social security, unemployment insurance, and worker's compensations insurance.

### **Transfer Rights**

Due to the fact that IDVA is chartered under the Charter Commission, transfer rights of teachers to a chartering school district are not clear. However, IDVA would allow a teacher to transfer within the geographical parameters of the statewide program provided by IDVA.

### **Collective Bargaining**

The staff of the Charter School shall be considered a separate unit for the purposes of collective bargaining.

## **XI. Students**

### **A. Admission policy**

**The Academy is nonsectarian in its programs, admission policies, employment practices, and all other operations. As a public charter school we do not charge tuition. Additionally, the Academy does not discriminate against any applicant for admission on the basis of ethnicity, national origin, gender, disability, religion, intellectual or athletic ability, or proficiency in the English language.**

#### Enrollment, Over-Enrollment and Student Registration

Enrollment will be reviewed and determined annually, with an enrollment cap to be determined by the Board. Registration applications for new students will be accepted during the enrollment season with the likelihood that the majority of students applying for admission will be admitted, provided that this amount is not in excess of the caps provided by Idaho Code for virtual school growth. In the event that projected enrollment demands exceed curriculum level capacity for the next school term, a lottery process will be implemented to fairly allocate class vacancies.

Currently enrolled students and their siblings will maintain a preferred status unless they express an interest to withdraw. Re-enrollment forms shall be presented to each registered student in the spring of the current school year. Those discontinuing their studies shall not have a reserved position in the next curriculum level. The forms for re-enrollment must be signed and returned in compliance with the process and procedure that has been established by the school's administration, with consideration and approval by the Board. Failure to respond in the time provided shall constitute a waiver of any interest in application or enrollment renewal for the following term.

#### Lottery

IDVA will conduct a lottery according to the requirements as set out in 33-5205, Idaho Code, as well as any rule adopted by the State Board of Education or State Charter Commission that is applicable to student lotteries held by public charter schools.

### **B. Special Education, At-risk, and Students with Disabilities**

Students with disabilities will be served according to federal and state laws regarding special education, including but not limited to Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and other applicable legislation. IDVA has a nondiscrimination policy with regard to admissions.

Students with disabilities will be served in accordance with their Individualized Education Programs (IEPs). All IEP's will be developed in accordance with all applicable laws and regulations.

## Assurances

The Academy will adhere to all provisions of federal law relating to students with disabilities, including the IDEA, Section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, that are applicable to it.

The Academy will, consistent with applicable law, work to ensure that all students with disabilities that qualify under the IDEA:

- Have available a free appropriate public education (FAPE)
- Are appropriately evaluated
- Receive an appropriate education in the least restrictive environment (LRE)
- Are involved in the development of and decisions regarding the IEP, along with their parents
- Have access to appropriate procedures and mechanisms, along with their parents, to resolve any disputes or disagreements related to the school's or school district's provision of FAPE

### **C. Gifted and Talented Students**

The Academy shall identify and provide services to students who possess demonstrated or potential abilities that give evidence of high-performing capabilities. The Academy will utilize eligibility criteria developed by the Idaho Department of Education. The identification system will align with the Gifted and Talented rules and regulations as identified by IDAPA.

### **D. Limited English Proficiency Students**

As a public school, the Academy will comply with Idaho Code in the identification and education of English Language Learners.

### **E. Dual Enrollment**

IDVA students may participate in dual enrollment as provided in the Idaho Code and IDVA policy.

### **F. Student Discipline Policy**

IDVA operates a virtual educational program. In this setting, many of the issues of student behavior and discipline addressed by a traditional brick and mortar school

become the responsibility of the parent as such events are occurring in the home setting.

IDVA as a public school adheres to all federal, state laws and regulations as well as school approved policies and procedures (Code of Conduct) relating to student discipline and the required reports and actions for disciplinary infractions by its students. IDVA complies with all requirements of due process for student disciplinary violations including provisions for notice, fair procedures and a fair hearing.

Administrative disciplinary actions may include, but are not necessarily limited to the following consequences:

- Student conference with Head of School / teacher
- Group conference that may involve student, parent, teacher, and Head of School
- Counseling
- Loss of school privileges

A student cannot be suspended or expelled and thereby deprived of a free education provided in the public schools without due process. Due process requirements guarantee all students the right to fair notice, fair procedures, and a fair hearing. The student and his or her parent or guardians have the responsibility to follow the procedures set forth herein in a respectful and timely fashion.

A student who is accused of misbehavior or a breach of the Code of Student Conduct will be presented to the Head of School or designee by the person having knowledge of the misbehavior or breach of conduct.

- A. **Written Referral:** Violations shall be presented in written form and should be specific, indicating the breach of the Code of Student Conduct for which the referral is being issued.
- B. **Student Notification:** The student will be placed on notice of the violation by the Head of School or designee and afforded an opportunity to explain.
- C. **Initial Conference:** An initial conference (in person or by tele- or video-conference) shall be conducted by the Head of School or designee at each level of discipline.
  - a. **Charges and Evidence:** The Head of School or designee shall confer with the student, explain the charges and evidence against the student, and allow the student an opportunity to present his or her side of the story prior to taking disciplinary action.
  - b. **Parental Assistance:** A good faith effort shall be made by the Head of School or designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions that require immediate suspension or in the case of a serious breach of conduct.
- D. **Parental Notification:**

- a. **By Telephone or E-mail:** The Head of School or designee shall make a good faith effort to notify the parent by telephone or e-mail of the student's misconduct and the proposed disciplinary action.
- b. **By Written Notice:** Regardless of whether there has been communication with the student's parent by telephone, the Head of School or designee shall, within twenty-four (24) hours of taking disciplinary action, send written notice to the parent describing the disciplinary action imposed and the reason the action was taken.

### **Violations Leading to Suspension:**

The following violations will lead to short-term suspension or other low-level disciplinary action, following the appropriate due-process procedures. Multiple violations at this level may lead to expulsion. [Note: We take the below violations very seriously but in a virtual environment we expect that many of these violations will be a lot less likely to occur.]

Abusive language or conduct: A student who uses or engages in abusive, profane, obscene or vulgar language or conduct in the presence of another person, whether in person or electronically, is guilty of unacceptable conduct.

Cheating: A student who participates in using, copying or providing another student with any test answers or answer keys or another person's work, representing it to be their own work, is guilty of unacceptable conduct.

Disruptive behavior and/or minor infractions: A student who engages in unacceptable behavior or conduct that is disruptive to the educational process, but is not considered a serious breach of conduct, or who violates school rules and policies determined by the Head of School to be minor in nature, is guilty of unacceptable conduct.

Unauthorized access: A student who enters part of the school website that has been denied to them by administrators will be in violation of the school's Technology Use Policy.

False information: A student who knowingly and intentionally reports or gives false or misleading information, either oral or written, which may injure another person's character or reputation or disrupt the orderly process of the school is guilty of a serious breach of conduct.

Interference with the educational process: A student who is guilty of willful disobedience, open defiance of authority of the Head of School or any member of the school staff, violence against persons or property, or any other act that substantially disrupts the orderly conduct of the school is guilty of a serious breach of conduct.

Vandalism: A student who intentionally destroys damages or defaces records or property (whether physical or electronic) owned by or in the possession of the Board or other members of the district staff, is guilty of a serious breach of conduct.

Theft: A student who takes from another person money or other property (whether physical or electronic) belonging to the other person with the intent to permanently deprive the victim of such property is guilty of a serious breach of conduct that may be reported to the proper law enforcement agency.

Robbery: A student who takes money or other property (whether physical or electronic) belonging to another person from another person by the use of force, violence, assault, or threatened use of force or violence is guilty of a serious breach of conduct that may be reported to the proper law enforcement agency.

Sexual Harassment: A student who subjects another person to unwelcome sexual advances, verbal harassment or abuse, pressure for sexual activity, repeated remarks with sexual or demeaning implications, unwelcome or inappropriate touching, or suggestions or demands for sexual involvement accompanied by implied or explicit threats – either in person or on-line – is guilty of a serious breach of conduct. This also includes transmission of sexually inappropriate or explicit material.

Indecent exposure or conduct: A student who exposes or exhibits his or her sexual organs in the presence of others in a lewd or indecent manner, or who intentionally and willingly engages in behavior that is considered lewd, indecent or obscene, either in person or on-line, is guilty of a serious breach of conduct that may be reported to the proper law enforcement agency.

Burglary: A student who enters or remains in a building or property owned or maintained by the Board with the intent to commit theft, vandalism, or some other criminal offense therein, is guilty of burglary unless the premises at the time is open to the public or the student is legally authorized to enter or remain. However, the fact that the premises may be open to the public or that the student may be authorized to enter or remain will not excuse any other offense, violation or other breach of conduct committed by that student while therein. Burglary is a serious breach of conduct that may be reported to the proper law enforcement agency.

Abusive language or conduct directed at a school employee or trustee: A student who uses or engages in abusive, profane, obscene, or other vulgar language or conduct directed at a school employee or trustee is guilty of a serious breach of conduct.

Truancy: A student who is truant from school is guilty of a serious breach of conduct.

## **Violations leading to Expulsion**

The following violations will lead to expulsion, following the appropriate due process procedures.

Weapons: A student who displays or is in possession of an object normally considered a weapon (other than a firearm), such as a knife or club, while attending a school-sponsored activity away from home is guilty of a serious breach of conduct.

Firearms: A firearm is any weapon (including a starter gun, pellet gun, B-B gun, air rifle, or air pistol) that will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive or compressed or forced air. It is the expressed policy of the Board that, with the exception of law enforcement officers, no person shall have in his or her possession any firearm of any nature, including a firearm used for recreational activities, while on a school campus, or other property owned or maintained by the Board, or property designated for school activities.

Battery: A student who intentionally strikes another person against the will of the other person is guilty of a serious breach of conduct that may be reported to the proper law enforcement agency.

Bomb and explosive: A student who is in possession of a bomb, explosive device, or substance or materials intended for use in a bomb or explosive device or substance while at a school-sponsored activity, on Board property, or a chartered bus (unless the material or device is being used as part of a legitimate school-related activity or science project conducted under the supervision of an instructor with the knowledge and consent of the Head of School) is guilty of a serious breach of conduct.

Arson: A student who willfully, by fire or explosion, damages or attempts to damage any building, structure, vehicle or other property owned or maintained by the Board is guilty of a serious breach of conduct that may be reported to the proper law enforcement agency.

Threat: A student who intentionally threatens, by words or act, to strike or cause bodily harm to another person, has the apparent ability to carry out such threat, and causes the other person to have a well-founded fear that he or she is about to be struck or about to suffer such bodily harm is guilty of a serious breach of conduct that may be reported to the proper law enforcement agency.

Internet Use: Any student who abuses the Acceptable Use Policy (included separately) shall be dealt with according to the parameters of the use policy.

Truancy: A student who is habitually truant from school is guilty of a serious breach of conduct.

Alcohol, drugs or drug paraphernalia: A student who possesses or attempts to distribute alcohol, drugs or drug paraphernalia during school-related events or on school site will be in serious breach of IDVA conduct.

### **G. Advertisement of Student Enrollment Opportunities**

IDVA's virtual educational program will continue to seek students from the various geographical regions of the state of Idaho.

IDVA prepares and mails out informational materials regarding their school program. Further, IDVA holds informational sessions in various regions throughout the state to promote the school program. The school maintains a website addressing their educational program, and enrollment opportunities regarding the school.

### **H. Professional Technical Educational Opportunities**

IDVA recognizes that a significant component of the student body will express and interest in and seek out opportunities to participate in professional technical educational opportunities.

IDVA will seek to provide professional technical educational opportunities to IDVA secondary students, either through their own individually developed educational program and/or in combination with other public educational entities (Idaho Public School Districts and/or other Idaho Public Charter Schools) in regional areas. IDVA recognizes the challenges in providing such educational opportunities in a solely virtual setting. While recognizing that some professional technical programs fit within a solely virtual setting, the school also recognizes that some programs will necessitate a hybrid of virtual education and hands on educational experiences while others may involve solely hands on educational format. For such reason, IDVA recognizes an exception to the traditional virtual educational model of IDVA for the possible provision of professional technical educational services.

Curriculum and details of program offerings, which may change from time to time depending upon student interest and the school's needs, will be provided to the Commission.

## **XII. Chartering Entity Relations**

The Public Charter School Commission and the Idaho Virtual Academy will resolve disputes relating to the provisions of the charter following the procedures set forth in 33-5209, Idaho Code, and the applicable rules of the State Board of Education for notice of defect and submission or a corrective action plan.

### **XIII. Operation and Potential Liability**

Upon approval of the initial charter with the Butte County Joint School District 111, the Governing Board of the Academy obtained incorporation as a nonprofit public school, listing the IDVA Board as having the responsibilities and liabilities for the operation of the school. The Articles of Incorporation and Amended By-Laws serve as the policy manual for how the Academy operates.

The Academy operates independently as a Local Education Agency (LEA). The Academy is responsible for its own operation including personnel matters, preparation of a budget, and contracting for services. The Academy maintains a policy of general liability insurance and all other types of insurance necessary to provide coverage for the potential losses described in this paragraph.

The policy of insurance shall have limits of liability not less than that required pursuant to the Idaho Code and shall list the Chartering Entity as an additional insured.

IDVA can sue, be sued, purchase, receive, hold, and convey real and personal property for school purposes, and can borrow money for such purposes.

The Academy's employees, director, and officers shall enjoy the same immunities as employees, director, and officers of public school districts and other public schools.

Pursuant to 33-5204(2), Idaho Code, the Commission shall have no liability for the acts, omissions, debts or other obligations of the Academy. The Academy will defend, hold harmless and indemnify the Chartering Entity against any claim, action, loss, damage, or injury. Liability cost or expense of any kind or nature arising out of the operation of the Academy and/or arising out of the acts or omissions of the agents, employees, invitees, or contractors of the school.

Copies of insurance binders from a company authorized to do business in Idaho for liability insurance (per occurrence and aggregate coverage), property insurance, worker's compensation insurance, unemployment insurance, and any other insurance will be provided to the Commission upon request. All required insurance will be in effect during the operation of the Academy.

#### **XIV. Facility and Equipment**

The administration building(s) will be properly licensed and compliant with code with regard to the Americans with Disabilities Act, all OSHA regulations and with all applicable Idaho laws. The building will provide sufficient wiring and communication capabilities to support the high-tech nature and infrastructure of the school. The building will also provide adequate heating, ventilation, lighting, sanitary conditions, and water supply to support the school's administrative staff.

## **XV. Annual Audit of Programmatic and Financial Records/ Financial Management**

### **A. Financial Management and Financial Records**

The Academy's annual budget will be prepared in compliance with all statutes and rules of the State of Idaho including requirements for a public hearing and delivery to the State Department of Education. Copies of the Budget will be provided to the Commission upon Board approval and delivery to the State Department of Education. All Accounting records will be established and maintained in accordance with accounting principles generally accepted in the United States. In addition, the Academy will follow all requirements and regulations as may be set forth from time to time by the State Board of Education and State Department of Education. The Academy operates through funding provided by the State of Idaho and the Federal government. The Academy will continue to seek out private grants and donations to supplement the school's funding. All k12 invoices of the Academy are independently reviewed by a Board member prior to submission to the Board for approval. A separate Board motion is made to address K12 invoices, separate and apart from any other invoices to the school. A detailed report as to the financial status of the Academy and its Budget, including a detailed cash distribution report, is provided at each monthly regular meeting of the Board.

### **B. Financial Audit**

An audit of the School's financial statements is performed annually by an independent Certified Public Accountant. The audit reports, accompanied by the related financial statements are submitted yearly to the Commission pursuant to the requirements of section 33-701(6) & (7), Idaho Code.

### **C. Performance Audit**

Programmatic outcomes are composed of goals for student learning, student attendance, and other objectives described in this application as well as those requirements set forth by the Idaho Charter School Commission. Annually, the school will report in detail its performance against these programmatic objectives, describe deficiencies in performance, and set forth corrective actions for remedying these deficiencies. Additionally, the school will comply with any other requirements that the state might specify at a later point. IDVA has received and will maintain accreditation.

Reports from audit activities will be provided to the Commission staff in the same manner and to the same extent as other documentation and reports provided to Commission staff.

## **XVI. Administrative Audit**

The Board will arrange for the completion of an independent audit process as to various components of the administrative and educational services of IDVA. Reports will be provided to the Board upon the completion of these independent audits.

## **XVII. Statistical Reporting to Commission**

Any statistical reports that are filed by IDVA with the State Department of Education shall also be filed with the Commission. Such Commission filing shall coincide with the timing of filings with the State Department.

## **XVIII. Two Year Alternative Hybrid-Virtual Pilot Program**

Commencing with the 2010-2011 school year, IDVA will commence a two (2) year pilot program for the development and operation of an Alternative Hybrid Component, within the existing Virtual Charter School.

This program will follow and meet all requirements for Alternative Secondary Programs as provided by IDAPA 08.02.03.110, as issued by the State Board of Education and as may be amended from time to time.

### **Facility Location – Hours of Provision of Instruction:**

The location of the Alternative Program will be in a nearby facility, located at 1965 S. Eagle Road, Suite 160, Meridian, Idaho, 83642.

This is a location separate from the regular high school (which is a virtual home-based program) and is at a physical location separate from the Administrative Offices of the Idaho Virtual Academy.

The hours of this program are at hours different from that of the rest of the program. The hours of instruction will be as follows:

7-8 grade program: 8:30-11:30 a.m., Tuesday-Friday

9-12 grade program: 1:00-4:00 p.m., Tuesday-Friday

### **Student Enrollment and Students Served:**

Alternative secondary educational programs as defined in the state of Idaho are those programs that provide special instructional courses and offer special services to eligible at-risk youth to earn credits toward graduation and enable such students to attain a high school diploma.

Students to be Served:

At risk youth are served in this program. The definition of at risk secondary students (in grades 7 through 12) will encompass a student who meets any of the three following criteria in listing “a” through “f” or any of the one criteria in “g” through “m”.

- a. Has repeated at least one grade;
- b. Has absenteeism that is greater than ten percent (10%) during the preceding semester;
- c. Has an overall grade point average that is less than 1.4 (on 4.0 scale) prior to enrolling in the alternative secondary program;
- d. Has failed one or more academic subjects;
- e. Is two or more semester credits per year behind the rate required to graduate;
- f. Is a limited English proficient student who has not been in a program more than three years;
- g. Has substance abuse behavior;
- h. Is pregnant or a parent;
- i. Is an emancipated youth;
- j. Is a previous dropout;
- k. Has serious personal, emotional, or medical problems;
- l. Is a court or agency referral;
- m. Upon recommendation of the school district as determined by locally developed criteria for disruptive student behavior.

**Anticipated Initial Enrollment:**

For the first year of the pilot program, student enrollment is anticipated to be 150 students, comprised of students in the following grade levels:

7 <sup>th</sup>	25 students
8 <sup>th</sup>	25 students
9 <sup>th</sup>	25 students
10 <sup>th</sup>	25 students
11 <sup>th</sup>	25 students
12 <sup>th</sup>	25 students

**Purpose – Course offerings and Instruction:**

The purpose of this program will to meet the state-approved vocational technical component of education with offering a Work Experience Course under the supervision of a state certified Work Based Learning Coordinator as well as using k12 developed and provided courses in Business, Entrepreneurship, Marketing, Service Learning and Technology. These course offerings may expand during the course of the program pilot. It is also the intention to have the Achieving your College and Career Goals Course.

Graduation credit may be earned in the following areas:

- Academic Subjects
- Electives
- Approved work-based learning experiences

Non-academic courses i.e., classroom and office aides do not qualify for credits unless such is specifically approved as work-based learning experiences.

Instruction and special services as mandated by the IDAPA rules for Alternative Secondary Education and applicable to the designed program will be compiled with.

**Staffing:**

IDVA's current employment rolls already include a certificated professional educator holding certification as a Work Based Learning Coordinator as well as a certificated employee holding a vocational-technical teaching certificate.

As career counseling and emotional issues are at serious play for Alternative School Programs, IDVA will initially assign a .50 counselor to the program. This counselor already has alternative school program experience. The school's existing employed psychologist will also provide support services to the program.

Any and all other positions necessitated by this program will be provided by highly qualified and properly endorsed personnel.

## **APPENDIX**

### **FINANCIAL AND INSURANCE DOCUMENTATION**

**Financial Audits and Budgets are provided annually pursuant to request of Charter Commission and State Board of Education requirements.**

**APPENDIX  
PETITION SIGNATURES**

**Signatures have been provided to counsel for the Commission.**

## APPENDIX TRACKING FORM APPROVAL DOCUMENTATION

### IDAHO PUBLIC CHARTER SCHOOL Tracking Form

Please attach this completed form to the front of your Charter prior to submitting it to the State Board of Education. Submit All Charter Applications( approved, denied/appeal or lottery designation) to Patty Sanchez, State Board of Education, 650 W. State St., Room 307, Boise, ID 83702.

Educational Region #: <b>VI</b>	County: <b>Butte</b>	Name of School District Granting Charter: <b>Butte County School District</b> Number of School District: <b>#111</b>	Anticipated Enrollment:
Charter School Name: <b>Idaho Virtual Academy</b>		Grade Levels Served: <b>K-5</b>	
School Street Address: (if known at this time) <b>250 South Water Street P.O. Box 89</b>		Conversion of Existing Public School <input type="checkbox"/> YES <input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input checked="" type="checkbox"/> NO
City: <b>Arco</b>	State: <b>ID</b>	ZIP: <b>83213</b>	
Contact Person: <b>Janet Aikele</b>	Contact Phone #: <b>(208) 527-3410</b>	E-mail: <b>aikelejanet@hotmail.com</b>	
Contact Address: <b>P.O. Box 10</b>	City: <b>Arco</b>	State/Zip: <b>83213</b>	
Signature of Approval by Local School Board Chair: <i>Levy Schwartz</i>		Date of approval by local board: <b>4-17-02</b>	Length of this charter in years: <b>5</b>

State Department of Education (SDE) Use Only
District Number:
Building Number:
School Number:

State Board of Education (SBE) Use Only
<b>RECEIVED</b>
<b>APR 29 2002</b>
OFFICE OF THE IDAHO STATE BOARD OF EDUCATION
Date Received:
Time Received: <b>10:30 a.m.</b>
Tracking Number:

**APPENDIX  
ACCREDITATION DOCUMENTATION**

**Accreditation documentation previously provided to Charter Commission  
and State Department of Education.**

# **APPENDIX ARTICLES OF INCORPORATION AND AMENDED BY-LAWS**

## **IDAHO VIRTUAL ACADEMY, INCORPORATED AMENDED BY-LAWS**

### **ARTICLE 1 OFFICES**

#### Section 1.1 Registered Offices.

The registered office of the Corporation shall be at 1488 S. Eagle Flight Way, Boise, Idaho 83719.

#### Section 1.2 Additional Offices.

The Corporation may also have offices at such other places, within the State of Idaho, as the Board of Directors may from time to time determine or as the business of the Corporation may require.

### **ARTICLE 2 MEMBERSHIP**

#### Section 2.1 No Members.

The Corporation does not have members. All rights which otherwise would vest in members, including, without limitation, the right to elect directors, shall vest in the Board of Directors of the Corporation.

### **ARTICLE 3 DIRECTORS**

#### Section 3.1 General Powers; Number; Tenure.

(a) The business of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and perform all lawful acts and things for and on behalf of the Corporation.

(b) Within the limits specified in this Article III, Section 1, the number of directors shall be determined by the Board of Directors, except that if no such determination is made, the number of directors shall be not less than three (3) nor more than nine (9), but may never be less than the number otherwise required by law.

(c) Except for the first Board of Directors named in the Articles of Incorporation, the directors shall be elected at the annual meeting of the Board of Directors except as

provided in Section 2 of this Article III.

- (1) Each director elected shall hold office until his successor is selected and shall qualify.
- (2) The members of the first Board of Directors shall serve for a term of five years from the date of incorporation of the Corporation.
- (3) Additional directors shall serve for such terms as may be determined by the first Board of Directors, not to exceed a term of three years.
- (4) The terms of subsequent members of the Board of Directors need not be uniform.
- (5) The terms of these By-Laws will not prevent a Board Member from seeking to serve additional terms of office.

### Section 3.2 Vacancies.

If any vacancies occur in the Board of Directors, or if any new directorships are created, they may be filled by vote of a majority of the directors then in office, although less than a quorum, or by a sole remaining director. Each director so chosen shall hold office until the next annual meeting of the Board of Directors and until his successor is duly elected and shall qualify.

### Section 3.3 Removal; Resignation.

(a) Unless otherwise provided by law or the Articles of Incorporation, any director or directors may be removed for cause, by the affirmative vote of a majority of the Board of Directors then in office. A director may be removed without cause by the affirmative vote of two-thirds of the directors then in office. The resulting vacancy may be filled by the Board of Directors or, if the directors remaining in office constitute fewer than a quorum of the board they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office. The successor or successors shall serve the unexpired term of any removed director or directors.

(b) A director may resign at any time by giving written notice to the Board of Directors, the Chairman of the Board, the President, or the Secretary of the Corporation. Unless otherwise specified in such written notice, a resignation shall take effect upon delivery thereof to the Board of Directors or the designated officer. It shall not be necessary for a resignation to be accepted before it becomes effective.

(c) Any board action to remove a director shall not be valid unless each director is given at least seven (7) day's written notice that the matter will be voted upon at a director's meeting or unless notice is waived pursuant section 30-3-77, Idaho Code.

### Section 3.4 Compensation.

Directors shall not be entitled to compensation for their services as directors but shall be entitled to receive from the Corporation reimbursement for any reasonable expenses incurred in performing services for the Corporation and in attending directors' meetings. The compensation of directors may be on such basis as is determined by the Board of

Directors. Any director may waive compensation for any meeting. Any director receiving compensation under these provisions shall not be barred from serving the Corporation in any other capacity and receiving compensation and reimbursement for reasonable expenses for such other services.

## **ARTICLE 4 MEETINGS**

### Section 4.1 Place of Meetings.

The Board of Directors may hold meetings, both regular and special, either within or without the State of Idaho.

### Section 4.2 Annual Meeting.

Annual meetings of the Board of Directors shall be held at the time of the regularly scheduled board meeting for the month of July, if not a legal holiday, or, if a legal holiday, then on the next regular business day following, at 2 P.M., Mountain Standard Time, or at such other date and time as shall, from time to time, be designated by the Board of Directors and stated in the notice of the meeting. At such annual meeting, the Board of Directors shall elect directors and officers, and transact such other business as may properly be brought before the meeting.

### Section 4.3 Regular Meetings.

Additional regular meetings of the Board of Directors may be held without notice, at such time and place as may, from time to time, be determined by the Board of Directors.

### Section 4.4 Special Meetings.

Special meetings of the Board of Directors may be called by the Chairman of the Board, on 24 hours notice to each director if such notice is communicated in person, by telephone or voice mail, by telegraph, teletype electronic mail (e-mail) or other electronic means, or, if sent by mail, seven (7) days after its deposit in the United States mail, as evidenced by sworn affidavit or postmark, if mailed correctly addressed with first class postage affixed, or two (2) days after the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee. Special meetings shall be called by the Chairman of the Board, when in the judgment of the Chairman of the Board (or Vice Chairman of the Board acting in the absence of the Chairman) such meeting is necessary to address exigent circumstances, on the written request of one-half or more of the number of directors then in office and notice of said meeting shall be given as provided in this Section. Any such notice need not state the purpose or purposes of such meeting except as provided in Article XI or as may be otherwise required by law.

### Section 4.5 Quorum; Adjournments.

At all meetings of the Board of Directors, a majority of the directors then in office shall constitute a quorum for the transaction of business, except that in no event shall a quorum consist of fewer than the greater of one-third (1/3) of the directors in office or two (2) directors. The act of a majority of the directors present at any meeting at which

there is a quorum shall be the act of the Board of Directors, except as may be otherwise specifically provided by law or the Articles of Incorporation. If a quorum is not present at any meeting of the Board of Directors, the directors present may adjourn the meeting, from time to time, without notice other than announcement at the meeting, until a quorum shall be present.

#### Section 4.7 Meetings my Telephone or Similar Communications.

The Board of Directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

### **ARTICLE 5 COMMITTEES**

#### Section 5.1 Executive Committee.

The Board of Directors, by resolution adopted by a majority of the whole Board, may appoint an Executive Committee consisting of not more than 5 directors, one of whom shall be designated as Chairman of the Executive Committee. Each member of the Executive Committee shall continue as a member thereof until the expiration of his term as a director, or his earlier resignation, unless sooner removed as a member or as a director.

#### Section 5.2 Powers.

Unless circumscribed by resolution of the Board appointing the Executive Committee or except as otherwise provided by law, the Executive Committee shall have and may exercise all of the powers and authority of the Board of Directors in the management of the business and affairs of the Corporation (except to amend these Bylaws or any other matters which by law or these Bylaws requires approval of the Board of Directors or of a majority thereof) and may authorize the seal of the Corporation to be affixed to all papers which may require it.

#### Section 5.3 Procedure; Meetings.

The Executive Committee shall fix its own rules of procedure and shall meet at such times and at such place or places as may be provided by such rules or as the members of the Executive Committee shall provide. The Executive Committee shall keep regular minutes of its meetings and deliver such minutes to the Board of Directors.

The Chairman of the Executive Committee, or in his absence, a member of the Executive Committee chosen by a majority of the members present, shall preside at meetings of the Executive Committee, and another member thereof chosen by the Executive Committee shall act as Secretary of the Executive Committee.

#### Section 5.4 Quorum.

A majority of the Executive Committee shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the quorum of the Executive Committee shall be required for any action of the Executive Committee; provided, however, that

when an Executive Committee of one member is authorized under the provisions of Section 1 of this Article, such one member shall constitute a quorum.

#### Section 5.5 Other Committees.

The Board of Directors, by resolutions adopted by a majority of the whole Board, may appoint such other committee or committees as it shall deem advisable and with such functions and duties as the Board of Directors shall prescribe.

#### Section 5.6 Vacancies; Changes; Discharge.

The Board of Directors shall have the power at any time to fill vacancies in, to change the membership of, and to discharge any committee.

#### Section 5.7 Compensation.

Members of any committee shall not be entitled to such compensation for their services as members but are entitled to such reimbursement for any reasonable expenses incurred in attending committee meetings as may from time to time be fixed by the Board of Directors. Any member may waive compensation for any meeting. Any committee member receiving compensation under these provisions shall not be barred from serving the Corporation in any other capacity and from receiving compensation and reimbursement of reasonable expenses for such other services.

#### Section 5.8 Action by Consent.

Any action required or permitted to be taken at any meeting of any committee of the Board of Directors may be taken without a meeting if a written consent to such action is signed by all members of the committee and such written consent is filed with the minutes of its proceedings.

#### Section 5.9 Meetings by Telephone or Similar Communications.

The members of any committee designated by the Board of Directors may participate in a meeting of such committee by means of a conference telephone or similar communications equipment by means of which all persons participating in such meeting can hear each other and participation in such meeting shall constitute presence in person at such meeting.

## **ARTICLE 6 NOTICES**

#### Section 6.1 Form; Delivery.

Whenever, under the provisions of law, the Certificate of Incorporation or these Bylaws, notice is required to be given to any director, it shall not be construed to mean personal notice unless otherwise specifically provided. Personal notice includes notice communicated in person, by telephone, voice mail, telegraph, teletype, electronic mail (e-mail), or other electronic means. Notice may be given in writing, by mail, addressed to such director, at his address as it appears on the records of the Corporation, with postage thereon prepaid. If notice is sent by mail, it is effective five (5) days after its deposit in the United States mail if mailed correctly addressed with first class postage affixed, or on the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

### Section 6.2 Waiver.

Whenever any notice is required to be given under the provisions of law, the Certificate of Incorporation or these Bylaws, a written waiver thereof, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed to be equivalent to such notice. In addition, any director who attends a meeting of the Board of Directors, without protesting at the commencement of the meeting the lack of notice thereof to him, shall be conclusively deemed to have waived notice of such meeting.

## **ARTICLE 7 OFFICERS**

### Section 7.1 Designations.

The officers of the Corporation shall be chosen by the Board of Directors. The Board of Directors may choose a Chairman of the Board, a President, a Vice President or Vice Presidents, a Secretary, a Treasurer, one or more Assistant Secretaries and/or Assistant Treasurers and other officers and agents as it shall deem necessary or appropriate. All officers of the Corporation shall exercise such powers and perform such duties as shall from time to time be determined by the Board of Directors. Any two (2) offices may be held by the same person, except for the offices of President and Secretary.

### Section 7.2 Term of Office; Removal.

The Board of Directors at its annual meeting shall appoint a President, a Secretary and a Treasurer. The Board of Directors may also appoint a Chairman of the Board, a Vice President or Vice Presidents, one or more Assistant Secretaries and/or Assistant Treasurers, and such other officers and agents as it shall deem necessary or appropriate. Officers elected or appointed shall serve for such term as may be designated by the Board of Directors. Any officer elected or appointed by the Board of Directors may be removed, with or without cause, at any time by the affirmative vote of a majority of the directors then in office. Such removal shall not prejudice the contract rights, if any, of the person so removed. A vacancy occurring in any office of the Corporation may be filled by the Board of Directors.

### Section 7.3 Compensation.

The salaries of all officers of the Corporation shall be fixed from time to time by the Board of Directors. No Director shall receive any compensation or salary from the Corporation other than that permitted for out of pocket travel and expenses associated with attendance at Board-related functions.

### Section 7.4 The Chairman of the Board.

The Chairman of the Board, if any, shall be an officer of the Corporation and, subject to the direction of the Board of Directors, shall perform such executive, supervisory and management functions and duties as may be assigned to him from time to time by the Board of Directors. He shall, if present, preside at all meetings of the Board of Directors.

#### Section 7.5 The Vice Chairman.

The Vice Chairman, if any (or in the event there be more than one, the Vice Chairmen in the order designated, or in the absence of any designation, in the order of their election), shall, in the absence of the Chairman or in the event of his disability, perform the duties and exercise the powers of the Chairman and shall generally assist the Chairman and perform such other duties and have such other powers as may from time to time be prescribed by the Board of Directors.

#### Section 7.6 The Secretary.

The Secretary, if any, shall attend all meetings of the Board of Directors and record all votes and the proceedings of the meetings in a book to be kept for that purpose and shall perform like duties for the Executive Committee or other committees, if required. He shall give, or cause to be given, notice of all special meetings of the Board or the President, under whose supervision he shall act. He shall have custody of the seal of the Corporation, and he, or an Assistant Secretary, shall have authority to affix the same to any instrument requiring it, and, when so affixed, the seal may be attested by his signature or by the signature of such Assistant Secretary. The Board of Directors may give general authority to any other officer to affix the seal of the Corporation and to attest the affixing thereof by his signature. The Board of Directors may give general authority to any other individual to keep a record of all votes and the proceedings of all meetings, requiring such individual to provide the record of the meetings to the secretary to be maintained in the usual course of conduct for maintaining corporate records.

#### Section 7.7 The Treasurer.

The Treasurer shall have the custody of the corporate funds and other valuable effects, including securities, and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all moneys and other valuable effects in the name and to the credit of the Corporation in such depositories as may from time to time be designated by the Board of Directors. He shall disburse the funds of the Corporation as may be ordered by the Board of Directors, taking proper vouchers for such disbursements, and shall render to the Chairman of the Board, the President and the Board of Directors, at regular meetings of the Board, or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Corporation.

## **ARTICLE 8 INDEMNIFICATION OF DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS**

#### Section 8.1 General Indemnification.

Reference is made to the Idaho Nonprofit Corporation Act, §30-3-88, Idaho Code. Particular reference is made to the class of persons (hereinafter called "Indemnitees") who may be indemnified by an Idaho corporation, namely, any person (or the heirs, executors or administrators of such person) who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such

person is or was a director, officer, employee or agent of such corporation, or is or was serving at the request of such corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise. The Corporation shall (and is hereby obligated to) indemnify the Indemnitees, and each of them, in each and every situation where the Corporation is obligated to make such indemnification pursuant to the aforesaid statutory provisions. The Corporation shall indemnify the Indemnitees, and each of them, in each and every situation where, under the aforesaid statutory provisions, the Corporation is not obligated, but is nevertheless permitted or empowered, to make such indemnification, it being understood, that, before making such indemnification with respect to any situation covered under this sentence, the Corporation shall promptly make or cause to be made a determination as to whether each Indemnitee acted in good faith and in a manner such Indemnitee reasonably believed to be in or not opposed to the best interests of the Corporation, and, in the case of any criminal action or proceeding, had no reasonable cause to believe that such Indemnitee's conduct was unlawful. No such indemnification shall be made (where not required by statute) unless it is determined that such Indemnitee acted in good faith and in a manner such Indemnitee reasonably believed to be in or not opposed to the best interests of the Corporation, and in the case of any criminal action or proceeding, had no reasonable cause to believe that such Indemnitee's conduct was unlawful.

#### Section 8.2 Insurance.

The Board of Directors may authorize the purchase of insurance on behalf of any director, officer, employee, or agent of the Corporation, or who while a director, officer, employee or agent of the Corporation is or was serving at the request of the Corporation as a director, officer, partner, trustee, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust, other enterprise or employee benefit plan against any liability asserted against and incurred by him arising out of such person's position, whether or not the Corporation would have the power to indemnify such person against that liability under law.

#### Section 8.3 Chapter 42 Taxes.

Notwithstanding the foregoing provisions of this Article VII, the Corporation shall not indemnify, reimburse, or insure any person for any taxes imposed on such individual under chapter 42 of the Internal Revenue Code of 1986, as not in effect or as may hereafter be amended (the "Code"). Further, if at any time the Corporation is deemed to be a private foundation within the meaning of Section 509 of the Code, then, during such time, no payment would constitute an act of self-dealing or a taxable expenditure, as defined in Section 4941(d) or 4945(d), respectively, of the Code.

## **ARTICLE 9 INVESTMENTS**

#### Section 9.1 Reinvestment.

The Corporation shall have the right to hold, manage, invest and reinvest the property received by it, in the discretion of the Board of Directors and without being restricted to the class of investments which any director is or may be permitted by law to make; provided, however, that no action may be taken by or on behalf of the Corporation if

such action would result in the denial of the Corporation's income tax exemption under Section 501(c) of the Code (as defined in Section 3 of Article VII).

Section 9.2 Commingling.

Upon receipt of any property, the Board of Directors may, subject to any limitations, conditions or requirements affecting the use of any property so received, add such property to or commingle such property with any other assets of the Corporation or hold such property as a separate fund if, in the sole discretion of the Board of Directors, such segregation is in the best interests of the Corporation.

**ARTICLE 10  
EXEMPT ACTIVITIES**

Section 10.1 Exempt Activities.

Notwithstanding any other provision of these Bylaws, no director, officer, employee or other agent or representative of the Corporation shall take any action for or on behalf of the Corporation if such action is not permitted under Section 501(c) (3) of the Code (as defined in Section 3 of Article VII).

**ARTICLE 11  
GENERAL PROVISIONS**

Section 11.1 Fiscal Year.

The fiscal year of the Corporation shall be a period of twelve (12) months commencing on the first day of July in each year, or as otherwise determined from time to time by the Board of Trustees.

Section 11.2 Seal.

The corporate seal shall have inscribed thereon the name of the Corporation and the words, "Corporate Seal" and "Idaho".

Section 11.3 Invalid or Unenforceable Provisions.

The invalidity or unenforceability of any particular provision of these Bylaws shall not affect the other provisions hereof, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

Section 11.4 Conflict of Interest.

Any member of the Board of Directors of the Corporation may be present at or participate in a meeting of the Board of Directors or a committee of the Board of Directors which authorizes a transaction between a member of the Board of Directors and the Corporation or between the Corporation any other corporation, partnership, association, or other organization in which one (1) or more of its directors have a direct or indirect interest, if the material facts of the transaction and the director's relationship or interest as to the transaction are disclosed or are known to the Board of Directors or committee of the Board of Directors, and the Board or committee in good faith authorizes, approves or ratifies the transaction by the affirmative vote of a majority of the directors having no direct or indirect interest in the transaction, even though the disinterested directors be less than a quorum.

Interested directors may be counted in determining the presence of a quorum at a meeting of the Board of Directors or a committee that authorizes the contract or transaction.

Section 11.5 Public Records and Open Meetings.

The Board of Directors of the Corporation shall abide by the Public Records Act and Open Meetings Law of the State of Idaho.

**ARTICLE 12  
AMENDMENTS**

Section 12.1 Amendments.

The Board of Directors shall have the power to make, alter and repeal these Bylaws, and to adopt new bylaws, by an affirmative vote of a majority of the whole Board, provided that notice of the proposal to make, alter or repeal these Bylaws, or to adopt new bylaws, must be included in the notice of the meeting of the Board of Directors at which such action takes place.

**ARTICLE 13  
DISSOLUTION**

Section 13.1 Dissolution.

Upon dissolution of the Corporation, assets shall be distributed to creditors pursuant to Sections 30-3-114 and 30-3-115, Idaho Code. After paying or adequately providing for the debts and obligations of the Corporation, the remaining assets shall be returned to the authorized chartering entity for distribution in accordance with applicable law.

**CHAIRMAN'S CERTIFICATE**

I, Richard Wagner, Board Chairman of THE IDAHO VIRTUAL ACADEMY, Incorporated (the "corporation"), an Idaho corporation, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Corporation's Amended Bylaws as adopted by the Board of Directors of the Corporation as of October 17, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the Corporation as of the 17<sup>th</sup> day of October, 2006.

/s/

Richard Wagner,  
Chairman of the Board

[Corporate Seal]



# State of Idaho

## Office of the Secretary of State

### CERTIFICATE OF EXISTENCE

OF

IDAHO VIRTUAL ACADEMY, INCORPORATED

File Number C-144421

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named non-profit corporation was incorporated under the laws of Idaho on 20 Jun 2002.

I FURTHER CERTIFY That the non-profit corporation is in good standing on the records of this office.

Dated: 15 Aug 2002



*Pete T. Cenarrusa*  
SECRETARY OF STATE

Authentic Access Idaho Document ( <http://www.accessidaho.org/public/portal/authenticate.html> )  
Tag: b5ae5f5ff8d74087a468cf4a759312790544c9105d71b0adcb2a073d493313b3f0a2797d775525ec

<https://www.accessidaho.org/secure/sos/corp/cert.html>

9/15/2002

**FILED/EFFECTIVE**

ARTICLES OF INCORPORATION

OF

02 JUN 20 PM 2:30

IDAHO VIRTUAL ACADEMY, INCORPORATED

SECRETARY OF STATE  
STATE OF IDAHO

The undersigned, acting as the incorporator of a nonprofit corporation ("Corporation") organized under and pursuant to the Idaho Nonprofit Corporation Act, Chapter 3, Title 30, Idaho Code ("Act"), adopts the following Articles of Incorporation (Articles).

Article I

Name

The name of the Corporation is Idaho Virtual Academy, Incorporated.

Article II

Nonprofit Status

The Corporation is a nonprofit corporation.

Article III

Period of Duration

The period of duration of the Corporation is perpetual.

Article IV

Registered Office and Agent

The location of the Corporation is in the City of Boise, County of Ada and in the State of Idaho. The address of the initial registered office is 802 West Bannock Street, Suite 900, Boise, Idaho, 83702, and the name of the initial registered agent at this address is William C. Roden.

Article V

Purposes

The purposes for which the Corporation is organized and will be operated are as follows:

Articles of Incorporation

Idaho Virtual Academy

Page 1 of 4

IDAHO SECRETARY OF STATE  
06/20/2002 05:00  
CK: 18858 CT: 1793 BH: 473813  
1 @ 38.00 = 38.00 INC NONP # 2  
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A. To establish, conduct, manage and maintain a public charter school, pursuant to the provisions of Chapter 52, Title 33, Idaho Code, the Idaho Public Charter Schools Act of 1998, and as said law may, from time to time, be subsequently amended.

B. Charitable, educational, or scientific purposes, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time, including, for such purposes, the making of distributions to organizations that qualify as exempt under such Section 501(c)(3).

C. To exercise all powers granted by law necessary and proper to carry out the foregoing purposes, including, but not limited to, the power to accept donations of money, property, whether real or personal, or any other things of value. Nothing herein contained shall be deemed to authorize or permit the Corporation to carry on any business for profit, to exercise any power, or to do any act that a corporation formed under the Act, or any amendment thereto or substitute therefore, may not at that time lawfully carry on or do.

#### Article VI

##### Limitations

No part of the net earnings or the assets of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article V hereof. No substantial part of the activities of the Corporation shall be for the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time.

Article VII

Members

The corporation shall not have any members.

Article VIII

Board of Directors.

The affairs of the Corporation shall be managed by its Board of Directors. The number of Directors serving on the Board of Directors shall be fixed in accordance with the Corporation's Bylaws and shall not be less than three (3). The initial Board of Directors are:

Janet Aikele 3533 W. 2500 North, Moore, Idaho 83255  
Peter Stewart 8100 Greesboro Drive, McLean, Virginia 22102  
William C. Roden 802 W. Bannock Street, Boise, Idaho 83702

The Directors, after the initial Board of Directors, shall be elected in the manner and for the term provided in the Bylaws of the Corporation.

Article IX

Distribution on Dissolution.

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all liabilities of the Corporation, distribute all the assets of the Corporation consistent with the purposes of the Corporation to such organization or organizations as shall at that time qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time, in such manner as the Board of Directors shall determine. Any such assets not so distributed shall be distributed by the district court of the county in which the principal office of the Corporation is then located, exclusively for the purposes or to such organizations, as such court shall determine to be consistent with the purposes of the Corporation.

Article XI

Incorporator

The name and street address of the incorporator is William C. Roden, 802 West Bannock Street, Suite 900, Boise, Idaho, 83702.

Article XII

Bylaws

Provisions for the regulation of the internal affairs of the Corporation shall be set forth in the Bylaws. The Board of Directors of the Corporation shall be authorized to amend the Corporation's Bylaws at a properly noticed special or regular meeting of the Board of Directors.

DATED this 20<sup>th</sup> day of June, 2002.

William C. Roden  
William C. Roden  
Incorporator

**APPENDIX  
SOFT COPY  
CURRICULUM AND STANDARDS ALIGNMENT**

**Previously provided in soft copy disk.**