

# CHARTER SCHOOL DEVELOPMENT MANUAL

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# Preface

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This manual is intended for use by charter school planning groups and the boards of charter schools already in operation. School district boards may also find it helpful in learning about charter schools and the process by which they are authorized. The manual's goals are:

- To help charter school petitioners maintain and grow their vision
- To explain the required elements of charter school petitions
- To guide charter school petitioners through the application process
- To guide the development of charter school governing boards
- To provide resources including state and federal requirements, as well as a variety of sample documents

Experience with charter schools around the nation has made plain that, despite the differences among individual charter schools, certain elements tend to determine how successful a charter school will be. This manual will identify the essential components of successful charter schools in the hope that future schools may be established and operated in the most effective manner.

**Any of the sample documents included in this manual may be used as working documents. The samples should serve as a guide as you develop your own charter school concept. You should not adopt any of these documents without first amending them to fit the circumstances of your own charter school.**

This manual has been developed as a guide by the Idaho State Department of Education – Office of School Choice. No information herein should be considered a substitute for the advice of an attorney.

# Introduction

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In 1998, the Idaho Legislature passed legislation allowing for the creation of charter schools in Idaho. Chapter 52, Title 33 of Idaho Code provides opportunity for citizens to establish and maintain public charter schools that operate independently from the existing public school system. The legislation is intended to:

- Improve student learning
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students
- Include the use of different and innovative teaching methods
- Utilize virtual distance learning and online learning
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site
- Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system
- Hold schools accountable for meeting measurable student standards

In short, charter schools agree to shoulder increased accountability in exchange for increased autonomy. Since 1998, Idaho's charter schools have created opportunities for new, innovative, and flexible ways of educating students within the public school system.

People establish charter schools for a variety of reasons. Charter school founders generally fall into groups: grassroots organizations of parents, teachers and community members; Starting a new school; current charter school stakeholders replicating a successful high quality school; and existing schools converting to charter status. Three of the most common motivations for creating a charter school are:

1. to realize an educational vision,
2. to gain autonomy, and
3. to serve a special population.

Parents and teachers choose charter schools primarily for educational reasons such as high academic standards, small class size, innovative approaches, or educational philosophies in line with their own.

Before a charter school petition is written, ideas grow within a dedicated, courageous individual or group. Hours are spent discussing the vision with others, identifying and inspiring talented and willing volunteers, studying state laws and rules, and finally drafting a document known as the charter school petition.

Along the way, charter school founders must acquire political savvy to move wisely within their local school districts and learn how use the press as an ally. They must also inspire parents with a vision that will motivate them to leave their living rooms on many nights to attend board meetings, support the petition, and ultimately enroll their children in the new charter school.

When the petition is finally approved, the creation of the charter school itself begins. Since most charter schools have no paid staff until the fiscal year during which the school opens, additional hours of volunteer time are required to ensure everything is in order before the school year commences.

However, once the doors open, the excitement of finally seeing children in the classrooms will dispel any fatigue. The primary task now becomes the guarding of the charter school's philosophy and mission in the face of daily challenges. With each success reflected in student performance, parental satisfaction, and student morale there is the reward for countless hours of work. To watch a dream unfurl into reality is deeply gratifying.

# Overview

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## Defining a Charter School

A charter school is a semi-autonomous, outcome-based public school of choice operating with a governing board who oversees the philosophy, educational program, and activities. It is a nonprofit, publicly funded, and nonsectarian entity operating independently within the existing public school system and is governed by the conditions of the approved charter and all federal and state laws. The following are characteristics of all charter schools.

### Legislatively Authorized

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Independent charter schools require state legislation to authorize their existence. Idaho Code outlines specifications and requirements for establishing charter schools and regulates the number of charter schools permitted to open each year. The chartering process may be used to create a new school or convert an existing school.

### Citizen Initiated

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Parents or other community members initiate and develop charter school petitions, which are then granted or denied by an authorized chartering entity.

### Public Schools

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Charter schools are public schools. They are mandated to teach all students, not just gifted or well-financed students. They may not charge tuition or fees for attendance or participation in the charter school's educational program. Charter schools may not have religious affiliations. Enrollment must be open and free to any child. When the demand for admission exceeds the school's capacity, students are selected randomly by lottery.

A charter school cannot discriminate against any student on any basis prohibited by federal and state law including: disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services.

Charter schools are not magnet schools. Students don't have to show special skills or pass tests for admission as is the case in some magnets. However, charter schools may have specific organizing themes and educational philosophies guiding their work. Therefore, parents and students with particular in-

terests may be attracted by the vision of a particular charter school.

### Outcome-Based

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A charter document, which is negotiated between a charter school's founders and its authorizer, sets forth detailed conditions and expectations for each charter school. Charter schools that fail to meet the conditions of their charters may have the charters revoked.

### Models for Change

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The intent of the Idaho legislature is to provide opportunities for the establishment and maintenance of public charter schools as a method to accomplish any of the following:

1. Improve student learning;
2. Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students;
3. Include the use of different and innovative teaching methods;
4. Utilize virtual distance learning and on-line learning;
5. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
6. Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school systems;
7. Hold the schools accountable for meeting measurable student education standards.

## Defining a Charter

A charter is the document spelling out a charter school's educational program, standards, governance and operations. Section 33-5202A(2), Idaho Code, defines a charter as "the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school."

### New and Conversion Charter Schools

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In Idaho, a charter school may be created "from scratch" or by converting an existing public school to

charter status. Private and parochial schools may not convert to charter status, nor may a charter be granted to or operated by a for-profit entity.

## Charter School Governance

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All Idaho charter schools are required to be organized and managed under the Idaho Nonprofit Corporation Act. It follows that, as a nonprofit organization, every charter school will have a board of directors. The law states that members of the board of directors are public agents authorized by an authorized chartering entity. Pursuant to Section 33-5202A, Idaho Code, “authorized chartering entity,” means either the local board of trustees of an Idaho school district or the Public Charter School Commission. The “authorized chartering entity” is often called “the authorizer.”

Charter schools must comply with state and federal laws, rules, and regulations. However, they are not bound by all the rules of the State Board of Education or local school district policies. It is the responsibility of a charter school’s board to ensure that the school operates in compliance with all applicable statutes, rules, regulations, and policies.

Generally, a charter school’s governing board is composed of educators, parents, and community

members selected through a process spelled out in the charter.

Charter school boards are responsible for the governance, financial, and legal oversight of the charter school. They are account

## Number of Charter Schools per Year

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The Idaho Legislature has created a controlled procedure for the establishment of charter schools. Section 33-5203, Idaho Code, establishes the following designation regarding the maximum number of charter schools per year and their geographic distribution:

*Not more than six (6) public charter schools may begin education instruction in any one (1) school year. Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) school district in any one (1) school year. Public virtual charter schools approved by the Public Charter School Commission are not included in any one school district, and, therefore, do not count as charter schools beginning instruction in any one school district.*

# Establishing a Charter School

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The establishment of a new or conversion charter school is a long and detailed process involving many hours of research and legwork, most of which must be accomplished by volunteer individuals inspired by a shared vision. It is highly recommended you read through this entire manual before beginning to draft the petition, as doing so will give you a clear perspective on the timeframe and scope of the undertaking.

This section explores the phases involved in the charter school development process. These phases can be thought of as Exploration, Application, Pre-Operations, and Operations.

## The Exploration Phase: Surveying the Scene and Laying the Groundwork

This phase includes exploring the reasons for choosing to start a charter school, gathering basic background information on charter schools in the state, and assembling a charter school design team and framework. This is also the time to survey the community's readiness for a charter school.

Some petitioners begin the process somewhat informally, while others are more deliberate in their efforts, developing a strategic or business plan. Many begin by gathering start-up funds from public or private sources, or from their own pockets. Start-up funds may also be obtained from federal or state planning grants, private foundation grants, or corporate grants. Regardless of how the planning phase is structured or funded, prospective charter school developers should complete the following steps:

### Investigate State Laws and Policies

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The team should carefully review Idaho's laws and rules early in the exploration process, as state laws authorizing charter schools change over time. Idaho Code 33-5201 et seq. and IDAPA 08.02.04, Rules Governing Public Charter Schools, should be considered required reading for all potential charter school petitioners. Since existing law may be under revision or new laws proposed, the team may also wish to investigate the status of pending legislation or rules related to charter schools.

### Review Authorized Chartering Entity Rules and Policies

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Charter schools in Idaho may be authorized by local school district boards or the Idaho Public Charter School Commission. In appeal cases, the State Board of Education may also authorize a charter. The authorized chartering entities often have rules, policies, or guidelines to explain how the charter school legislation shall be implemented.

For instance, IDAPA 08.03.01, "Rules Governing the Public Charter School Commission," outlines the timelines and processes for petition contents, review, and evaluation by the Commission. Local school districts may have adopted policies or guidelines for charter schools in their district. It is recommended that the team contact the future authorizer to obtain a copy of applicable guidelines at the beginning of the exploration process.

### Assemble a Core Founding Group and Access Experts

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The core founding group will move the charter school from dream to reality. This group defines the proposed school's vision and mission, write the petition, and make presentations to the authorizer. Some of them may eventually operate the school. This work requires a vast quantity of time and a wide variety of skills. The core team's expertise should be broadly based, but team members' vision should be narrowly focused on a shared educational philosophy.

Expertise in the following areas is optimal for the founding team:

- Curriculum and instruction
- Community relations and marketing
- Finance and fundraising
- Governance and management
- Legal issues, particularly educational law
- Real estate
- Student assessment
- Charter school documents

When recruiting the core founding group, seek out entrepreneurs; educators; lawyers; accountants; key community members; business people with personnel, management, and marketing experience; and visionaries. Individuals with strong organizational skills and enthusiasm for quality education. The expertise within the core founding group may be supplemented through the local business community, colleges and universities, parents, and other community members.

### Assessing the Needs and Interest of the Community

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Charter school developers will want to assess the need and interest of the community in their purposed charter school. One step in the process is working with the local school district to discuss the districts perceived needs. Additionally holding open houses or community meetings allow developers to determine what parents in the community are looking for in schools. It also allows the developers to make contact with community members who are interested in helping with the development of the school.

### Design a Comprehensive Charter School Plan

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Many charter school founders come together with an idea of what they want to accomplish already in mind. This idea needs to be fleshed out as a comprehensive design framework that includes the following:

- A clear mission and vision
- An overview of the educational program
- A description of governance and administrative structure
- A staffing plan
- A facilities plan with multiple options
- A budget for the initial year's cash flow and for the first three years
- A student handbook and policies

## The Application Phase: Drafting, Presenting, and Seeking Approval of the Petition

Having assembled a core founding group, the team will move into the application phase, which includes drafting the proposed charter and submitting it for consideration by an authorized chartering entity.

### Drafting the Charter Petition

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Prior to approval by an authorized chartering entity, a charter document is known as a petition. The purpose, content, and format of individual petitions vary widely. However, all strong petitions include well-developed narrative and thought around the following key components:

- Clear vision and measurable mission statements
- Specific, measurable goals
- Statement of why the charter school is needed
- Description of the educational program
- Specific learning objectives for students
- Methods of student assessment
- Financial plan and 3 to 5 year budget projection
- Governance and/or organizational model
- Personnel policies
- Student enrollment and discipline policies
- Proposed site and facilities
- Insurance quotes
- Compliance with state and federal regulations
- A pre-determined oversight and evaluation process
- Articles of incorporation, bylaws, and policies

Idaho Code requires the inclusion of certain elements in every charter petition. Reviewing a sample petition will help you understand how each element looks in an actual charter. The following are additional details regarding several key components of a charter petition.

Technical assistance is available from the State Department of Education and the Idaho Charter School Network throughout the chartering process.

### Vision Statement

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The vision statement should define the proposed charter school's core values, establishing its identity and sense of direction. A strong vision statement deals with the charter school's basic, underlying philosophy about education and learning. It should discuss reasons for schooling and basic assumptions about human nature.

For instance, if the team believes that children are nature driven to learn and do best when free to explore their environments and choose what to study, that should be a part of the vision statement. If, on the other hand, the team believes children need a prescribed curriculum delivered in a teacher directed manner, the vision statement should state as much.

The following questions are designed to help develop the vision statement:

- What is this charter school trying to accomplish, and what are its values?
- Why is this charter school different?
- How will this charter school meet its goals?
- How will this charter school know if it accomplishes its goals?
- What age and grade level is this charter school going to serve?

### Mission Statement

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After completing a vision statement, it is important to develop a clear, concise, measurable mission statement describing the charter school's expected outcome. A strong mission statement defines the logical product of the school's educational program and contains specifics that differentiate this charter school from other charter schools and traditional public schools. A measurable mission statement allows stakeholders to determine if the school is achieving the established goals and mission of the school.

The vision statement and mission statement form the blueprint by which the charter school will be approved and implemented, and are the statements most read by parents. They should be tested repeatedly on several small groups of parents before being adopted. Clear concise wording allows different people reading the statements to visualize the same charter school.

Poorly written mission statements often plague opening charter schools with unhappy parents and

staff who expected what they thought the words meant, rather than what was actually intended. Use caution with words such as: basics; individualized instruction; experience-based learning; student-led learning; at-risk students, etc. Such words conjure up a variety of images that must be defined concisely in supplementary documentation to clearly portray the charter school's mission.

The process of developing and clarifying the vision and mission statements can serve as an excellent opportunity to build community support for the charter school as well as to confirm that the statements themselves are clear. Small community meetings work best, as they allow adequate time for discussion. The goal should always be to develop a clear, concise description of the charter school's reason for existing.

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## Goals

Charter schools have been called the “most accountable public schools” because they are required to have measurable goals that express the intended overall outcome of their educational programs – and prove their ability to meet them. Well-developed goals and objectives are essential for fulfillment of the statutory requirements of the charter school application.

When writing goals, use the SMART technique to write them:

- S**pecific
- M**easurable
- A**ttainable
- R**elative
- T**ime specific

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## Using Data to Strengthen Schools

Collecting data for the sake of having data does not lead to success or help with accountability. Focusing data collection and know how it relates to the mission and goals for the school allows charter schools to make evidence-based decisions and set priorities for the school. Collecting and analyzing the data is an on-going process and requires monitoring and decision-making throughout the life of the school.

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## Choosing a Curriculum

The charter school's curriculum will comprise its educational program and standards. It should reflect

the school's stated vision and mission. To allow for future flexibility, avoid identifying specific textbooks and software in the charter petition. Instead, focus on the teaching methods used, such as cooperative learning or heterogeneous grouping or the curriculum focus, such as arts integration or STEM education.

The curriculum section of the petition will detail what students should know and be able to do upon completion of the charter school's program. The curriculum for each subject and grade level should include the methods of instruction and types of instructional materials the charter school plans to use. It also should be aligned to the Common Core and state standards.

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## Evaluating Student Performance

Specific guidance about types of assessment tools and frequency of assessment should be included in the petition to ensure regular student performance assessment. The school will need to assess students initially to obtain baseline data and define any desired additional profile information. The governing board should obtain regular reviews of assessment data once the school is open. The reviews should result in an analysis of the curriculum, the educational program, and the effectiveness of charter school practices.

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## Incorporating and Filing for Non-Profit Status

Charter schools in Idaho are operated by governing boards and are organized as non-profit corporations. Prior to submitting the petition for the Sufficiency Review, the team will need to establish the school's formal organization. This will involve drafting and filing articles of incorporation; filing for nonprofit status; recruiting and installing the governing board; and drafting bylaws, policies, and an administrative structure. Details regarding the drafting and filing of articles of incorporation may be found in “The Business of Operating a Charter School” section of this manual.

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## Submitting the Petition to an Authorizer

After drafting the petition, the founders should plan on spending many months navigating the charter authorization process. The Readiness Self-Assessment provided in the Appendix is designed to help determine whether you are prepared to begin the process.

## The Review & Authorization Process

### Legal Sufficiency Review – State Department of Education – Step One

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The first step will be to submit the petition to the State Department of Education (SDE) for a legal sufficiency review. The sufficiency review is designed to evaluate the required elements of the petition. The review team reads the petition and compares it to Idaho Code and the required elements. A copy of the SDE's sufficiency review form is provided in the Appendix. The SDE will provide a completed form, which will aid in revising the petition to add any missing elements and improve existing sections. If the petition does not meet all of the required elements, it must be revised and resubmitted to the department. Once all requirements are met, the sufficiency review is submitted to the authorizer along with the revised petition as described in Step Two.

### Submitting the petition to the authorizer – Step Two

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After making adjustments based on findings in the sufficiency review, the petition is submitted to an authorized chartering entity (authorizer). When submitting the materials the petitions must submit the completed sufficiency review, as well as a response to the sufficiency review findings. All pro-proposed brick and mortar charter schools and "hybrid" charter schools must submit their petitions to the school board of the district in which they are planning to be physically located. The district board has three options:

- it may approve the petition,
- deny the petition, or
- refer the petition to the Public Charter School Commission for consideration.

By referring a petition to the Commission, the district board relinquishes all authority over and responsibility for the charter school. Virtual public charter school petitioners must submit their petitions directly to the Commission, rather than to the local district board.

In most cases, the petition is submitted to the authorizer's staff. The team and authorizer staff should work together to ensure that the petition contains all necessary components set out in Section 33-5205(3), Idaho Code, and that the budget is complete and realistic. Authorizer staff may provide a

petition evaluation form such as the one used by the Commission's staff.

It is best to work with authorizer staff to ensure the petition is ready and meets staff requirements rather than having the authorizer review a petition still needing improvement. By not working with the authorizer staff, there is a greater risk of having the petition denied. Additional hours spent prior to the authorizer's review could save months in the long run.

Petitioners and authorizer staff may not always agree on the contents of the petition or budget. In such cases, petitioners are not required make adjustments to their charter. The founders are always free to leave the petition and budget as they were originally submitted. When the petition is considered in during a hearing with the authorizer, the team will have the opportunity to discuss why the petition should remain the way it has been presented. The authorizer will then decide whether the petition is sufficient to be approved.

### Public Hearings Regarding the Petition – Step Three

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There will usually be two hearings before the authorizer. The first will be a public hearing held within 60 days of receipt of the petition, at which the authorizer will consider the merits of the petition and levels of employee and parental support. Petitioners should be prepared to make a formal presentation to the authorizer and answer many questions. A list of sample questions is included in the Appendix. The formal presentation should contain information about the proposed charter school's chosen curriculum and method of delivery, the budget and assumptions used to arrive at the information it contains, the exact location of the charter school, the type of facilities to be used, and the number of students expected to enroll. The team may also want to be prepared to give a brief biography of each founder to help the authorizer understand the expertise of the governing board. During this initial presentation of the petition, the authorizer's staff will generally make a recommendation to the authorizer. In most cases, the authorizer will then ask for additional information and clarification from the petitioners, to be presented at a second hearing.

### Authorizer Approval or Denial – Step Four

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The authorizer is required to either approve or deny the petition at the first meeting, or hold a second

hearing within 60 days after the first hearing, unless both parties agree to another 60-day extension for a total of 120 days. The most common reason for an extension is to allow the petitioners ample time to gather and prepare any additional information requested by the authorizer.

Time frames for approval of a petition can range from 120 days to 210 days. It is important for petitioners to bear this in mind when submitting their charter to an authorizer. There is a statutory requirement that petitions be submitted to an authorizer no later than September 1 and approved no later than January 1 in order to open in the following school year. If the team wait until the latest possible date (September 1) and the maximum number of days is used, the approval will come too late. All petitioners are strongly encouraged to apply to their authorizers as early as possible. School districts may have their own policies regarding the submission of petitions. It is important to meet with the district early in the planning process to determine their specific requirements.

A limited number of charter schools may open in Idaho each year. As new charter schools are approved each year, the State Board of Education assigns them numbers on a chronological basis. The six public charter schools authorized to begin instruction during a given school year will be those that have been assigned the lowest numbers. Only one public charter school may be opened within an individual school district in any given year. Schools located in districts containing another newly approved charter school assigned a lower number will not be eligible to open in the same year.

Below are step-by-step outlines of the approval processes for both new and conversion charter schools.

### Step by Step: Approval Process for a New Charter School

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1. Petitioners begin the authorizing process by submitting one paper copy and one electronic copy of the petition to the State Department of Education for an initial review. Within 30 days, the State Department of Education must complete the initial sufficiency review. The petition will need to be revised until it passes the sufficiency review.
2. Petitioners may make amendments to the petition based on comments included with the sufficiency review. Next submit the revised petition, sufficiency review, and written response regarding the

findings to the authorized chartering entity.

*All petitions must be submitted to an authorized chartering entity no later than September 1 in order to be eligible to open in the fall of the following year.*

3. Within 60 days of receipt of the petition, the authorizer must hold a public hearing to discuss the provisions of the charter. (Note: If the petition is submitted to the Commission, they may extend an additional 30 days if both parties agree.)
4. Within 60 days of the public hearing, the authorizer must take action on the petition; however, this deadline may be extended for an additional 60 days if the petition fails to contain all the required information or both parties agree.
5. If the petition is approved, the petitioners must submit a copy of the approved petition and notification of approval from the authorizer to the State Board of Education and the State Department of Education. The State Board of Education will assign a number to the petitioner and notify the petitioners of their proposed opening date. The school may open in the fall of the year assigned by the State Board of Education. Approved charters must be received by the State Board of Education no later than January 1 in order to open in the fall of that year.

If the petition is referred to the Public Charter School Commission, petitioners return to step 2 (above) and submit their petition to the Commission.

If the petition is denied, petitioners may appeal to the State Department of Education.

### Appeal Process for a Denied Petition

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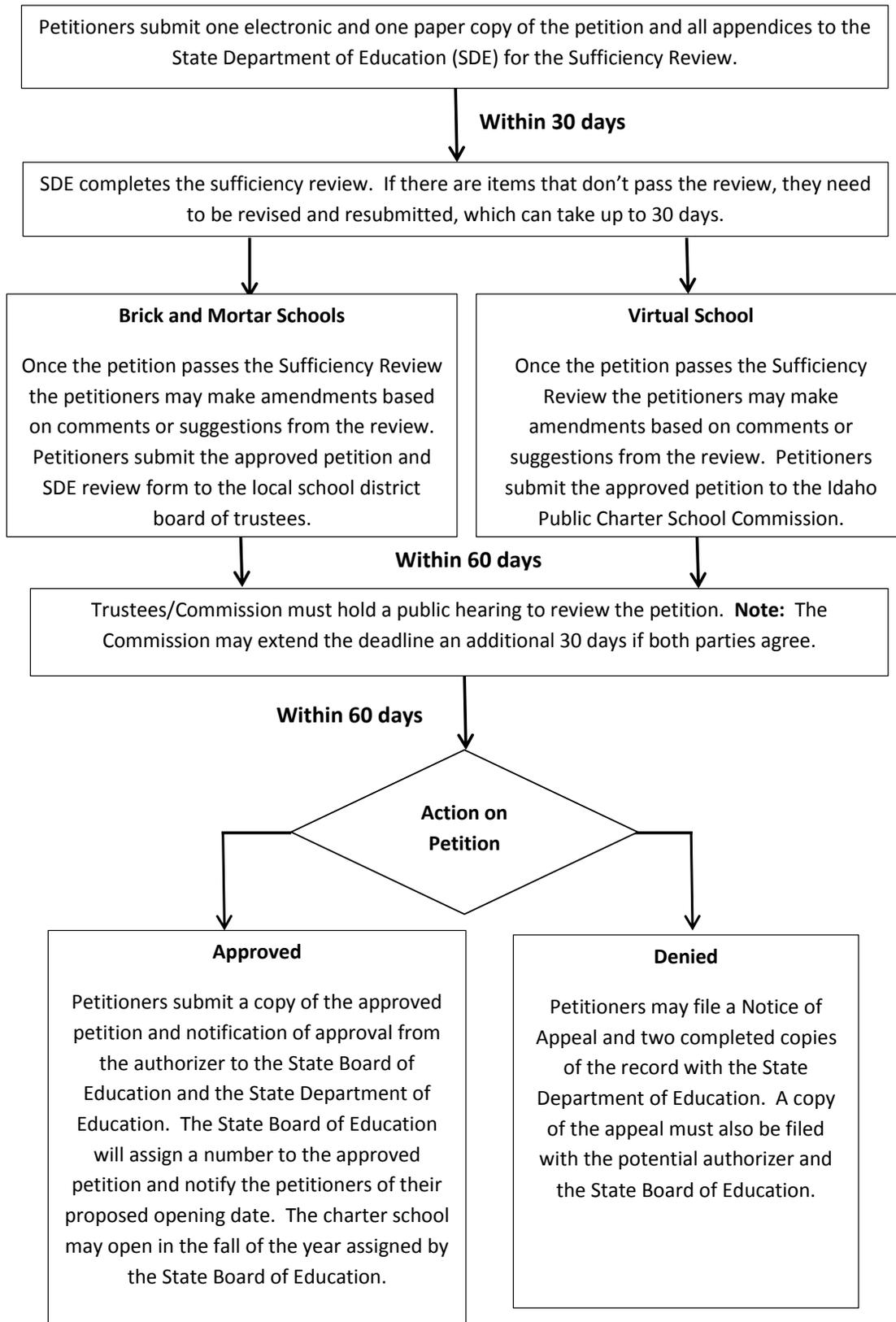
1. Within 30 days of the denial of the petition, petitioners may appeal the decision by filing a Notice of Appeal and two completed copies of the record with the State Department of Education (SDE).

A copy of the appeal must also be filed with the authorizer and the State Board of Education (SBE).

2. Within 10 days of receipt of the appeal, the SDE must hire a Hearing Officer to hear the appeal and forward a copy of the record to this Hearing Officer. Within 30 days of receipt of the record, the Hearing Officer must review the petition and hold a hearing on the appeal. Within 10 days of the hearing, the Hearing Officer must issue a written recommendation.

3. Within 30 days of issuance of the recommendation, the authorizer must hold a public hearing to review the recommendation. Within 10 days of the public hearing, the authorizer must either affirm or reverse its initial decision. This final decision must be in writing and contain findings explaining the reasons for the authorizer's decision.
  - If the authorizer reverses its initial decision and approves the petition, the petitioners must submit a copy of the approved petition and notification of approval from the authorizer to the State Board of Education and the State Department of Education. The State Board of Education will assign a number to the petitioner and notify the petitioners of their proposed opening date. The school may open in the fall of the year assigned by the State Board of Education.
  - If the authorizer affirms its initial decision to deny the petition, the petitioners may, within 21 days, appeal to the State Board of Education by filing a Notice of Appeal and two completed copies of the record with the State Board of Education. A copy of the notice of appeal must also be submitted to the authorized chartering entity. Within 60 days of receipt of the appeal, the State Board of Education must hold a public hearing to review the final decision of the authorized chartering entity. Within 60 days of the public hearing, the State Board of Education will issue a final decision.
    - o If the State Board of Education approves the petition, the petitioners next submit a copy of the approved petition and notification of approval from the authorizer to the State Board of Education and the State Department of Education. The State Board of Education will assign a number to the petitioner and notify the petitioners of their proposed opening date. The charter school may open in the fall of the year assigned by the State Board of Education. In these cases, the Public Charter School Commission will become the charter school's authorizing entity.
    - o If the State Board of Education denies the petition, the petitioners may appeal the decision to the District Court.
    - o If the State Board of Education remands the petition back to the authorizer, the petitioners and school district are encouraged to begin working on the petition again in hopes of coming to consensus.
    - o If the State Board of Education redirects the petition to another authorized chartering entity (the Public Charter School Commission), the petitioners may submit their petition to the Public Charter School Commission and begin the process again.

## Approval Process for a New Charter School



## Approval Process for a Conversion Charter School

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1. Petitioners begin the authorizing process by submitting one paper and one electronic copy of the petition to the State Department of Education for an initial review. Within 30 days, the State Department of Education must complete the initial sufficiency review. Any items not passing the review must be resubmitted.
2. Petitioners may make amendments to the petition based on comments received on the sufficiency review, then submit the petition and sufficiency review to the local school district board.

*All petitions must be submitted to the authorizer no later than September 1 in order to be eligible to open in the fall of the following year.*

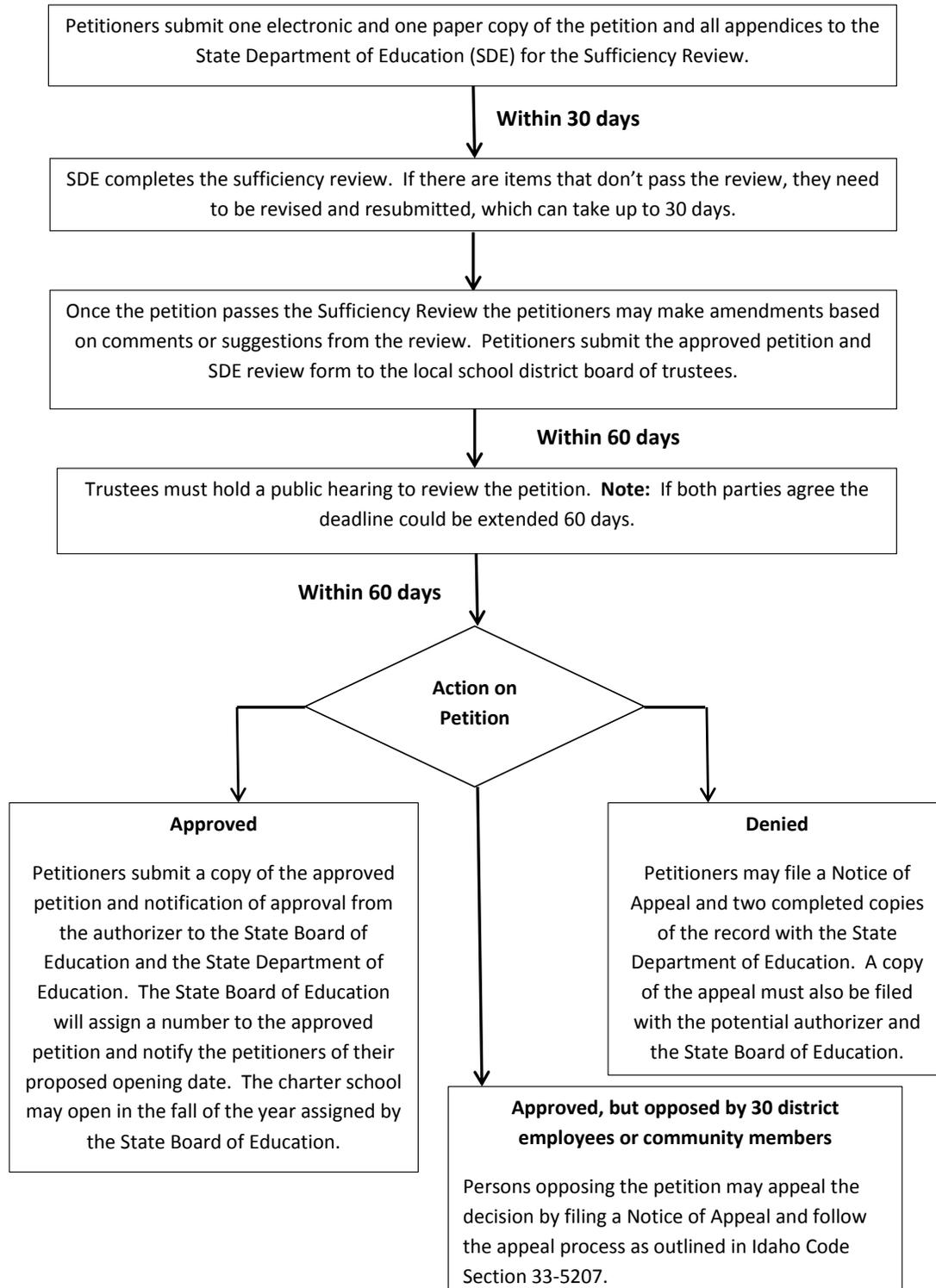
3. Within 60 days of receipt of the petition, the local district board must hold a public hearing. Within 60 days of the public hearing, the district board must take action on the petition; however, this deadline may be extended for an additional 60 days if both parties agree.
  - If the petition is approved and there is no appeal, the petitioners next submit a copy of the approved petition and notification of approval from the authorizer to the State Board of Education and the State Department of Education. The State Board of Education will assign a number to the petitioner and notify the petitioners of their proposed opening date. The charter school may open in the fall of the year assigned by the State Board of Education. Note: Approved charters must be received by the State Board of Education no later than January 1 in order to open in the fall of that year.
  - If the petition is approved, other interested persons may appeal to the State Department of Education.

## Appeals Process if Persons Oppose the Approved Conversion

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1. If the local district board approves a petition for the conversion of an existing traditional public school within the district over the objection of 30 or more persons or employees of the district, persons opposing the petition may, within 30 days, appeal the approval decision by filing a Notice of Appeal and two complete copies of the record with the State Department of Education. A copy of the appeal must also be filed with the authorizer and the State Board of Education.
2. Within 10 days of receipt of the appeal, the SDE must hire a Hearing Officer to hear the appeal. Within 30 days of receipt of the record, the Hearing Officer must hold a hearing on the appeal. Within 10 days of the hearing, the Hearing Officer must issue a recommended decision.
3. Within 30 days of issuance of the recommended decision, the authorizer must hold a public hearing to review the recommended decision issued by the Hearing Officer. Within 10 days of the public hearing, the authorizer must issue a final decision reversing or affirming their initial decision. This decision must be in writing and contain findings explaining the reasons for the authorizer's decision.
  - If the authorizer affirms its initial decision and approves the charter, petitioners next submit a copy of the approved petition and notification of approval from the authorizer to the State Board of Education and the State Department of Education.
  - If the authorizer reverses its initial decision and denies the charter, the decision is final and there are no further appeals.

## Approval Process for a Conversion Charter School



## The Pre-Operations Phase: Preparing to Open the Approved Charter School

The pre-operations phase follows the approval of the petition and centers on the establishment and opening of the physical school. Below are some pointers for navigating this phase:

- Develop a detailed plan and timeline listing all the tasks requiring completion before doors open. The plan should identify who will address each issue, when, and how.
- Establish formal operating agreements with non-district service providers to identify any services they will provide and the terms under which they will provide them.
- Establish relationships with community groups, supporters, the local school district, the media, and other potential partners.
- Advertise in the attendance area and enroll students.
- Recruit and hire staff.
- Formalize the instructional program. Select and purchase instructional materials, choose methods of assessing student achievement, establish the charter school calendar, and plan for professional development.
- Secure facility and support services such as fiscal support (accounting, budget, payroll, banking, auditing, and purchasing), transportation, food service, insurance, staff benefits, telecommunications, legal advice, custodial service, etc.

A Pre-Opening Checklist is included on the SDE website to assist in identifying the tasks that must be accomplished. Below is further discussion of some important tasks to complete during this phase.

### Admission Procedures

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IDAPA 08.02.04 sets out model admission procedures for Idaho's charter schools. If the school uses select alternate procedures, they must be described in the charter and approved by the authorizing entity.

### Enrollment Opportunities

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Idaho Code requires charter schools to inform the public of the opportunity to enroll their children in the charter school. The goal should be to give as much notice and information as possible to the parents and citizens of the area about the enrollment opportunities and deadlines.

IDAPA 08.02.04.203.02 requires charter schools to disseminate enrollment information in both English and Spanish. The information must be posted in highly visible and prominent locations and must be disseminated at least three months in advance of the enrollment deadline. Furthermore, charter schools must disseminate press releases to media outlets in the area on at least three occasions, beginning not later than fourteen days prior to the enrollment deadline. Once the enrollment deadline is established, the date cannot change without repeating this process.

### Requests for Admission

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Requests for admission must be submitted in writing and contain the name, grade level, address, and telephone number of each prospective student in the family. Written requests for admissions received after the enrollment deadline has passed may not be included in the lottery; rather, these names should be added to the bottom of the waiting lists after the lottery, in the order in which they were received.

### Equitable Selection Process

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Charter schools establish an initial capacity for student enrollment. Often, the schools receive applications for more students than they can enroll. In order to determine which students may attend the charter school, a fair and equitable selection process must be used. Charter schools accomplish this by conducting an enrollment lottery as outlined in IDAPA 08.02.04.203.09. As a new school, the board may wish to contact other, existing charter schools to gather information and suggestions for conducting a lottery. The lottery is a complex process; review other schools suggestions carefully to be certain of full compliance with Idaho statutes and rules.

The lottery must be conducted in a meeting that is open to the public and advertised in advance to give parents and community members the opportunity to attend. According to IDAPA Rules, a neutral third party is required to assist in conducting the lottery, thereby minimizing any perception of impropriety and ensuring the lottery is fair and equitable. Inviting a representative from the authorizer to attend is one way to build relationships and trust regarding the enrollment of students.

The enrollment lottery should be conducted several months in advance of the charter school's opening day. This will allow the governing board ample time to notify those students who have been chosen and to make adjustments if those students and their

parents choose not to attend the charter school. It will also allow parents and students not selected in the lottery time to make other arrangements. Finally, it will give the governing board the opportunity to gather support from parents who now have a reason to become active and involved in the charter school.

## Admission Preferences

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Charter schools may, but are not required to, use certain preferences when conducting their lotteries. Section 33-5205(3), Idaho Code and IDAPA 08.02.04.203 set out the hierarchy of allowable preferences.

If preferences are used for the initial enrollment of students, the selection hierarchy shall be in the following order:

1. Children of founders and full-time employees (This admission preference shall be limited to not more than 10% of the capacity of the public charter school);
2. Siblings of pupils already selected by the lottery or other random method;
3. Prospective students residing within the attendance area of the charter school;
4. Students selected by an equitable selection process such as a lottery or other random method.

If preferences are used for the enrollment of students in subsequent years, the selection hierarchy shall be in following order:

1. Already enrolled pupils returning to the public charter school in the second or any subsequent year of its operation;
2. Children of founders and full-time employees (This admission preference shall be limited to not more than 10% of the capacity of the public charter school);
3. Siblings of pupils already enrolled in the public charter school;
4. Prospective students residing within the attendance area of the charter school;
5. Students selected by an equitable selection process such as a lottery or other random method.

No preferences other than those listed above may be used. Questions about lottery preferences, should worked out with the authorizer and the State Department of Education before the lottery takes place.

## Waiting Lists

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As the lottery is conducted and each student's name is drawn, the names are placed on a list by grade level. Once the maximum capacity for each grade level has been met, the remaining students' names will be placed on a waiting list for each grade level. These waiting lists will be used if there is an opening at any time during the year, including any time prior to the opening of the charter school. If there is an opening, the school is required by law to offer that opening to the first student on the waiting list for the appropriate grade level.

## Notification After the Lottery

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After completing the lottery, the school must notify all families who submitted written requests for admission. With respect to students who have been chosen to attend the charter school, the notification should be an offer letter. This offer needs to be signed by the parent or guardian and returned to the charter school by a date specified by the charter school. If the parent or guardian declines, or fails to return, the signed offer letter by the specified date, the student's name will be removed from the final selection list. The open seat will then become available to the first student on the waiting list for that grade level.

With respect to students who have not been chosen to attend the charter school, the notification will indicate that the student is not eligible to attend to the charter school at this time, but that his or her name will be placed on a waiting list and he or she may become eligible to attend the charter school at a later date.

## Subsequent School Years

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The waiting lists for any given year cannot roll over to a subsequent year. If the capacity of the charter school is insufficient to enroll all students in any subsequent year, then a new lottery must be conducted and new selection and waiting lists established.

Before each year's enrollment deadline, the school must contact every parent of students on the waiting list to confirm he or she still wishes to enroll his or her child in the charter school. All prospective students will be in the lottery again. The first names will fill any openings, and the rest will be placed on a new waiting list.

## Hiring a Charter School Administrator

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One of the most important decisions the governing board will make is who will lead the charter school. The person hired as administrator must build a team of staff members, clearly articulate the charter school's vision to the entire school community and persuade them of its value, and direct the school's resources in a manner that is fiscally sound and accomplishes the school's the mission. To choose an administrator wisely, all who serve on the hiring committee must understand, agree with, and support the vision and mission of the charter school.

For newly developed charter schools, the first administrator is especially important. The governing board should be especially careful during the hiring process to be sure the successful candidate is a good match. This will help avoid disruption of leadership during the first few years of the operation, which can be extremely detrimental to the entire charter school community, including its students.

In order to hire the best possible administrator, the governing board must carefully plan the search and interview process so each step will contribute to thorough knowledge of the candidates. This process should be started early in the calendar year that the school is opening. First, the board must write a job description clearly stating the tasks and qualities required of the administrator. When running advertisements for the position, include sufficient information about the charter school itself so potential candidates can evaluate whether they wish to apply. The job description should be fairly comprehensive, giving a sense of the scope of expectations.

Generally, little time elapses between running advertisements and receiving resumes. Next is the enormous task of paper screening, during which it is helpful to have several candidates to compare during the interview process. Consider the value of experience, but remember a strong candidate with less experience but a clear understanding of the vision of the charter school can, with the help of a strong governing board, accomplish the task at hand.

The input of people outside the governing board can be beneficial in the hiring process. Volunteers, parents, teachers, and even students who have assisted in the charter school effort and understand the vision of the school can participate in initial interviews, providing additional perspectives on the candidates. Any questions arising from the initial interviews should be followed up on during the

reference checks just as carefully as questions from the formal interview with the governing board or selection committee. The individuals' input should be advisory only, leaving the power to hire vested with the governing board.

## Interviewing Administrator Candidates

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The governing board will probably find it necessary to do some interview training prior to paper screening, informal interviewing, formal interviewing, checking references, and visiting the candidates' current schools (when applicable).

Questions for the formal interview process should be carefully crafted to be certain that they will elicit the depth of response that is needed to make a wise selection. There is no need to limit interviews with the administrator candidates to a particular length. Indeed, it is often helpful to have more than one interview session with each candidate to obtain sufficient information and be certain of consistency in individuals' responses. Remember that interviews should also provide opportunity for candidates to ask questions of the committee.

After the initial screening and all interviews are complete, it is imperative to perform thorough reference checks for all viable candidates. Ask each listed reference person for additional contacts and contact references from each constituent group at the candidate's current school.

The administrator is being hired to lead, not to be led. Although the administrator will be accountable to the governing board, the rest of the charter school's staff will work for the administrator. Therefore, the successful candidate is likely to be the type of person who wants to be a leader, not a rule-follower or manager, when it comes to important matters of school policy and structure. While the governing board needs to be clear about the qualities it hopes to find in an administrator, it should be willing to consider different personalities and styles of candidates. The hiring process requires patience and tenacity in the search for the candidate best equipped to lead the charter school.

After hiring a new administrator, the founders and board will need to make a considerable effort to transition leadership as smoothly and congenially as possible. If the new administrator is replacing a principal who has been at the charter school for some time, consideration must be made for the fact that many of the charter school community members

will feel loyalty to the departing leader. To ease the transition, it may be valuable to host a social function to which all members of the interview team, as well as other important charter school members, are invited. The governing board has a special role in being visible and active in its support of the new administrator during all charter school events.

## School Accreditation

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Before opening, all public secondary schools (grades 7-12) need to apply to the Northwest Association of Accredited Schools (NAAS) for accreditation. This is a requirement of IDAPA 08.02.02.140. A summary report is submitted to the State Board of Education. Schools chartered by their local districts will complete school accreditation requirements only; schools chartered by the Public Charter School Commission are considered local education agencies (LEAs) and as such are responsible for completing both district accreditation requirements and school expectations.

Accreditation holds schools and districts accountable to rigorous standards and requires them to implement a continuous process of self-study and school improvement. Accreditation and continuous school improvement processes drive each other as Idaho's educators work toward providing an optimal learning environment.

All charter schools seeking accreditation must meet the accreditation standards of NAAS. Charter schools and districts shall also submit annual accreditation reports to NAAS as requested.

Many colleges require that students who attend their schools come from regionally accredited secondary educational institutions. A secondary student (grades 9-12) wishing to transfer from one school to another is assured that the new school will recognize credits already earned from a regionally accredited school.

## Strategic and Improvement Planning

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All LEAs, including charter school LEAs, must develop and implement a three to five year strategic plan focused on improving student achievement. All schools must develop and implement a continuous school improvement plan focused on student performance as a part of NAAS accreditation. The LEA and school plans must align and focus on improving school and staff capacity to increase student achievement.

## The Operations Phase: Opening the Doors, Troubleshooting, and Making Improvements

The operations phase includes actually opening the charter school and addressing any unforeseen issues while shaping the school's culture, clarifying expectations and beliefs, and beginning to use student performance data as the primary guide for charter school planning and policymaking. At this point, the work involved will be divided among the school's teachers, administrator, and board. Several common areas of focus are:

- Formally opening the doors and celebrating the commencement of the charter school
- Identifying and addressing unforeseen glitches and constraints
- Refining curriculum and instruction
- Collecting and interpreting student performance and achievement data, and using it as the foundation for ongoing planning and charter school policy development
- Evaluating the charter school administrator
- Transitioning the charter school's governance structure from the initial "start-up" stage to one of ongoing policy-making and oversight

## Pupil Performance, Evaluation, and Statewide Testing

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One of the most important indicators of the success of the charter school is the data resulting from various pupil assessments. Consider that there are four possible results of the education program related to achievement:

- individual students may start low and stay low;
- start high and get low;
- start low and get high; or
- start high and stay high.

Obviously, the last two possibilities are desirable and the first two are not. The school will want to gather as much student achievement data as possible in order to wisely adjust the program in a manner that will ensure success.

Research indicates that the most successful charter school programs are those that maintain a clear, consistent educational model. Therefore, the board should be alert to deficiencies in the program but cautious about making frequent adjustments to the educational model as a whole. Gather baseline data

and watch how it changes over time, then carefully consider the best direction for improvement.

## Performance Assessments

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Student learning is the major focus and ultimate objective of the charter school effort. To confirm that learning has occurred, there must be proper processes in place to evaluate growth. The governing board is responsible for selecting the methods used to measure progress toward the charter school's goals and objectives. Ideally this evaluation process will include external assessments as well as internal, more subjective types of evaluation.

Charter schools have an excellent opportunity to experiment with assessment methods, including the development of new ones. The administration may want to select or create additional assessment tools to evaluate the success of the charter school's mission and reflect its philosophy. For instance, Outward Bound schools may wish to apply assessments aligned specifically with Outward Bound curriculum.

Assessments developed in-house should be evaluated for consistency among the evaluators. They should also be correlated with standardized and other external tests. Given that grade assessments have a subjective component, resulting in an "A" from one school being a "C" or "D" at another, additional measures are desirable. Regardless of the specific assessment methods chosen, charter schools must ensure that student performance falls within an acceptable performance range.

Longitudinal data is particularly useful for evaluating a school's effect on its students over time. Charter schools, in particular, should be aware that philanthropists wishing to benefit the school often wish to see longitudinal data.

## Required Assessments

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By virtue of their long history and focus on skill acquisition, standardized tests provide a constant to use for comparison along with other assessment methods. Many people, regardless of their political or social orientation, respect standardized tests because they are a reasonably good measure of basic skill acquisition and are comparable nationally.

IDAPA 08.02.03.111, Rules Governing Thoroughness, requires state assessments in selected grades. All students in Idaho's public

schools, grades kindergarten through twelve, must participate in the comprehensive assessment program approved by the State Board of Education. Public charter school governing boards should be prepared for each of these assessments in addition to whatever other forms of student evaluations are chosen. The following is a discussion of required testing in Idaho.

### Tests in the Statewide Testing Program

- Idaho Reading Indicator (IRI)
- Idaho Standards Achievement Test (ISAT)
- National Assessment of Educational Progress (NAEP)

## Testing Requirements for Students

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All public school students must participate in the statewide assessment program, including those who are eligible for special education. Each special education student's individualized education program (IEP) team shall determine whether the student will participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and will participate in the alternate assessment.

## Annual Testing Windows

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Annual testing windows are announced by State Department of Education and the Office of the State Board of Education each school year.

### Idaho Reading Indicator – IRI

This is a 10-minute assessment of early reading skills. Grades K-3: administered in the first month (September), and ninth month (April– May).

### Idaho Standards Achievement Tests – ISAT

Students take the multiple-choice ISAT via computer. It is not timed, but generally takes about an hour per subject to complete. Grades 3-10: Reading, Language Usage, Math administered in the spring. Grades 5, 7, and 10: Science administered in the spring.

### National Assessment of Educational Progress – NAEP

All public schools, including charter schools, participate in this test if randomly selected. The tests are in reading, mathematics, science, and writing. Reading and math are every other year; science and writing are every four years, staggered. Grades 4, 8 and 12: administered the last week in January through the first week in March.

## Payment for Testing

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The U.S. Department of Education pays for NAEP materials, administration, and reporting. Costs for the following testing activities will be paid by the state:

- All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program;
- Statewide distribution of all assessment materials
- Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program
- Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment

Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts.

The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements.

## Testing in Virtual Schools

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Virtual schools face a number of special challenges when it comes to administering standardized tests, as students may be located all over the state. Many virtual schools have arranged for the use of inexpensive facilities, such as community centers and libraries, where students within each region may gather to take proctored exams.

## Accountability Reporting

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Public charter schools report to their authorized chartering entities annually, as the authorizers are responsible for the general oversight of the schools they have approved. These reports include, but are not limited to, financial and programmatic audits, as well as student progress on measurable education standards described in the approved charters and a copy of the school's accreditation report.

## Annual Programmatic Audit

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Sections 33-5205(3)(k) and 33-5206(7), Idaho Code, require charter schools to complete yearly programmatic audits for submission to their authorizer.

These programmatic audits should be completed by an outside entity with knowledge of charter schools and their missions, goals, and requirements. The entity conducting the audit may be a single person or a group of peers. Many charter schools choose to have their audits performed by the Idaho Charter School Network. Auditors usually establish a format for the audit that is used year after year, so the charter school is being audited in a systematic manner and the results provide a basis for comparison.

The programmatic audit should contain information as outlined in Section 33-5205(3)b, Idaho Code, including students' ISAT scores, individual student growth indicators to demonstrate whether pupils have attained the skills and knowledge specified as goals in the education program, and student attendance. It should also include school-wide information such as progress on established goals, goal identification for the upcoming school year, and continuous school improvement. The audit is also an opportune time to reassess the quality of the charter school's curriculum and delivery model, as well as adopted policies. Finally, the programmatic audit should address board governance, administration, stakeholder involvement, and parent and community support.

## Annual Financial Audit

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Sections 33-5205(3)k and 33-5206(7), Idaho Code, require charter schools to complete yearly financial audits and submit them to their authorizer. An experienced Certified Public Accountant should conduct the financial audit and prepare the report. Because school audits are labor intensive and federal and state school financing is difficult to understand, it is important that an experienced accountant be hired to conduct the audit. Because government audits are different from normal corporate audits, the board should consult a professional who is well-versed in government accounting standards.

In addition to the annual financial audit, schools receiving federal funds must provide an annual report to the State Department of Education.

## Verbal Reports to the Authorizer

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Some authorizers require a verbal presentation of the programmatic and financial audits, which may include any findings and a discussion of what the charter school is doing to correct them. Other authorizers require only that a copy of the audits be submitted for their review.

The Public Charter School Commission performs annual oversight visits to the schools it authorizes. Each visit is followed by a verbal report from the school to the Commission at the next regular Commission meeting.

## Amending the Charter

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A public charter school may petition to amend its charter at any time. The authorized chartering entity's review of the amendments will be limited in scope solely to the proposed amendments. In other words, if the board submits amendments to the charter, the authorizer can only review those proposed amendments. The authorizer may not review other parts of the charter at that time.

While an authorizer may ask a charter school's governing board to amend its charter, the board is not required to do so. However, it is advisable for the governing board to carefully consider the request. If the amendments are minor in nature and would not compromise the mission or vision of the charter school, it is probably in the best interest of the charter school to maintain a good working relationship with its authorizer by making the proposed amendments.

Proposed charter amendments should be submitted in legislative format (strike out any text that is being removed and underline any text that is being added). This will allow the authorizer's staff and authorizer to quickly determine what amendments are being proposed.

A proposed amendment must go through the same process as does a new petition. As with a new petition, it is wise for the governing board of a charter school to work with its authorizer's staff on any amendments prior to formal submission. Also, prior to submission to the authorized chartering entity, proposed amendments are first submitted to the State Department of Education for completion of a Legal Sufficiency Review. A copy of the Sufficiency Review is submitted to the authorizer, along with the proposed amendments to the charter.

The charter school's governing board will need to make a formal presentation of the proposed amendments to the authorizer at one, or possibly two, open meetings. The authorizer will then make a final decision as to whether to accept or deny the proposed amendments.

If the proposed amendments are denied, the governing board of the charter school may appeal directly to the State Board of Education.

## Notices of Defect

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Once the petition is approved, the board is responsible to meet the terms of the charter, comply with all general education laws of the state unless specifically directed otherwise in Idaho Code 33-5201 et seq., and operate in accordance with state educational standards of thoroughness as defined in Section 33-1612, Idaho Code and IDAPA 08.02.04.301. If the authorizer has reason to believe the board has failed to do so, the authorizer is statutorily required to take action.

Should the authorizer have reason to believe the charter school has committed any defect identified in Section 33-5209(2)(a)(e), Idaho Code, the authorizer must provide the board with prompt written notice of the defect and provide reasonable opportunity to cure the defect.

If the board receives a written notice of defect, it must provide the authorizer with a corrective action plan describing the plan to cure the defect. This corrective action plan must describe, in detail, the terms and conditions by which the charter school will cure the defect, including a reasonable time frame for completion. The board must submit a copy of the corrective action plan to the State Board of Education, as well as to the authorizer.

If the authorizer reasonably determines that the continued operation of the public charter school presents an imminent public safety issue, this process may be bypassed and the charter revoked immediately.

## The Revocation Process

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Unlike traditional public schools, charter schools may have their charters revoked, effectively shutting down the school for failure to cure a defect with respect to the operation of the public charter school.

If a charter school fails to cure a defect after receiving reasonable notice and opportunity to cure the defect, the school's authorizer must provide the school with written notice of intent to revoke the charter. This notice must provide the school with a reasonable opportunity to reply, defined in IDAPA 08.02.04.303 as at least 30 days.

Within 30 days of the charter school's written reply, the authorizer must conduct a public hearing, to be conducted by the authorizer or its appointee, with respect to its intent to revoke the charter. Should the school fail to reply by the date set in the notice of intent to revoke, a hearing will be held no later than 60 days after the date the notice was sent by the authorizer. Notice of the hearing will be sent to the charter school at least 10 days in advance of the hearing.

If the authorizer determines that the public charter school has not complied with its corrective action plan and cured the defect at issue, the authorizer may revoke the charter. This decision may be appealed to the State Board of education as

described in IDAPA 08.02.04.203. Should the State Board of Education reverse a decision of revocation, the Public Charter School Commission will become the authorized chartering entity for the charter school.

Nationally, only a small percentage of charter revocations occur solely due to unsatisfactory academic performance. The vast majority of revocations are the result of financial or other reasons. Conscientious financial management and governance, combined with open communication between the board and the authorizer, can go a long way toward safeguarding from the possibility of revocation.

# Charter School Governance

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Charter schools in Idaho are non-profit corporations governed by boards of directors. The board members are public agents authorized by their authorized chartering entity to guide the policies and operations of their charter school. As the team moves through the four development phases covered this manual, they will learn the importance of developing a governing board diverse in skills but united in vision. This section will discuss various aspects of the formation and function of a governing board and its bylaws.

## Governance Development

During the Pre-Operations and particularly the Operations phases of charter school development, a transition will take place in the leadership of the charter school effort: the school's founders and/or their successors will transform into a formal governing board.

The governance structure of the particular charter school should be defined in the petition. This structure generally takes the form of a parent, parent/teacher, or parent/teacher/community board consisting of five to nine members. The charter school's administrator is often included as a nonvoting member.

Except in extreme circumstances, the board should act as a governing board rather than a managing board. However, it is likely that in the early days of operation, the division of governance and management will be rather cloudy due to the enormity of the task of opening a charter school. As time passes, the board must make a continual and conscious effort to divide tasks so the board becomes the policy making body while the administrator manages the day-to-day operations of the charter school. Lack of understanding of the difference between governance and management leads to lack of focus, which results in dampened morale and burnout among well-intentioned people.

Board responsibilities include looking at the "big picture" versus daily decision making. Included in those responsibilities are: setting policies, determining curriculum, overseeing the budget, evaluating the administrator, and determining how staff will be evaluated. Because charter schools are required to organize as 501(c)(3) nonprofit

organizations, some of the board's activities will be dictated by law. Time spent studying bylaws, developing job descriptions, and discussing necessary policies for the charter school will help a fledgling board understand its role.

## Selecting Initial Board Members

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The charter school founders must write bylaws to define the number of members on the governing board, their terms of office, and the process by which they will be elected. Terms for board members should be staggered so less than half of the board seats change at any one time. Newly formed charter schools may want to consider having the original board serve longer terms, beginning the election process during the second or third year. Continuity is critical during startup due to the benefit of wisdom gained during discussions about vision and mission, the application process, and petition negotiations.

It is tempting to select as governing board members the people who fought the political battle, typed the petition, held informational meetings, and developed the budget. At this point, however, the job focus and necessary skill sets shift, requiring different talents and areas of knowledge.

Good governing board members are those who understand the charter school's vision and mission. They understand the larger setting within which the charter school exists and have a good knowledge of state and federal education laws, regulations, and rules as they apply to charter schools, and they can make accommodations for changes. They understand the political environment in their local district and have a good sense of the community of parents who comprise the charter school.

A number of criteria should be applied to candidates who volunteer to serve on the initial, as well as subsequent, governing boards. Search for individuals who:

- See the big picture regarding the charter school and translate that picture into effective policies
- Consider alternatives and concerns before making a decision
- Can make a decision and stand by it
- Work well with a group and accept majority decisions

- See through details to the essential issues at hand
- Understand the role of a governing board and how it differs from management
- Prepare for and regularly attend meetings
- Can make decisions for the charter school without focusing on the special needs of their own children
- Understand and will follow the related state and federal laws.

After working together for several months, the founding group should be quite familiar with its members' strengths and weaknesses. The governing board must be composed of people who see the big picture, understand the vision and mission of the charter school perfectly, and can be trusted as guardians of the charter school's vision. The board is charged with finding the essential ideas in details, thoroughly investigating problems in search of the best, most workable solutions, and devoting the time necessary to see the charter school established.

Significant representation from the founding group should be included on the first governing board to interpret the charter. However, founding committee members must be honest with themselves and try to balance a variety of skills and vocations on the board, avoiding too heavy representation from any one group – attorneys, accountants, homemakers, former teachers, or business owners. The complex process of putting together a charter school requires people with so many different strengths there will be no lack of appropriate opportunity for involvement in the charter school's development. Governing board service is merely one of these opportunities.

### Preparing Future Board Members

In order for a charter school's vision to outlive the active involvement of its founders and original governing board, the vision must be passed to others within the charter school community who can guard the vision and groom prospective governing board members. Indeed, one of the most important roles of the governing board is grooming future board members. Ad hoc advisory committees to the governing board (textbook committees, curriculum committees, fund raising committees, hiring committees, and accountability committees) serve as an excellent training ground. Governing board members serving on these committees need to be alert to people exhibiting the desired qualities for members of the governing board.

When good prospective members for the governing board are identified, it is the responsibility of the current governing board to assure that opportunity is available for these people to continuously increase their understanding of the charter school vision and mission and to expand their responsibility in upholding it. In addition, as leadership opportunities within the committees become available, such people should be asked to fill the roles. Board members should be regularly searching for future board members who can fill the knowledge and expertise gaps in the current board.

The governing board has the responsibility to ensure that the charter school community does not forget the school's vision and culture. Parent education offers important opportunities to keep the vision fresh while continuing to develop people who can step into board roles. Informal discussion groups focusing on the charter school's vision and mission, perhaps supplemented by readings, can provide some policy minded people the opportunity to learn more about the charter school. Newsletters to parents should always bear the charter school message, history, and vision, as well. However, nothing can identify quality candidates better than an alert observer of other persons acting and thinking within a committee. Observant administrators can often identify prospective governing board members as they interact with members of the charter school community.

### Policy Development

Even before a charter petition is submitted for review, some essential policies must be in place. The governing board must set policies regarding how it will:

- Make decisions and set future policies
- Hire its administrator
- Select specific curriculum
- Select and manage personnel
- Establish expectations for student performance
- Ensure consistency in tracking measurable data
- Define student responsibilities
- Handle complaints
- Specify use of facilities
- Establish financial goals
- Select support services

The early policies form the framework to which other policies may be added as necessary. While it is unwise to write policies for the mere purpose of adding to the policy manual, no board should function in an environment of “unwritten policies.” An unwritten policy has little binding authority.

Written policies provide continuity and stability for a charter school. They serve also as a mechanism for shaping the charter school’s identity, effectively using the resident expertise, and gaining support for the charter school’s mission and educational vision. They serve as a check to anyone hoping to advance an agenda contrary to the mission of the charter school. Policies also help clarify roles and responsibilities within a charter school by drawing clear lines between governance and management. In so doing, they clarify lines of accountability and provide a basis for evaluation.

Although policies can be created from scratch, sample policies may be modified to fit the specific needs of an individual charter school. During policymaking discussions, governing board members should question and play “devil’s advocate” as they create policies. New policies should be carefully read, studied, and modified as necessary before adoption. Allow at least two board meetings for consideration of a policy before adopting it. Additional assistance related to policy development is available from the Idaho School Board Association.

Over time, it will become necessary to review adopted policies for consistency with other adopted policies. It is wise to have a procedure in place that defines the policy review process.

## Meetings

Because charter schools are public entities, their governing boards must comply with Open Meeting Law. All board members should be familiar with Sections 67-2340 through 67-2347, Idaho Code. An Idaho Open Meeting Law Manual is available online at <http://www.scc.state.id.us>.

Agendas with all necessary background materials should be prepared and distributed to board members prior to meetings. Board members or charter school constituents proposing agenda items should give the requests, including all background materials, to the governing board chairman or secretary well in advance of the meeting.

Board members should arrive at meetings on time and be prepared to discuss all items on the agenda. Regular attendance is essential, and absences should occur only rarely. A policy should be developed to cover attendance at board meetings and make provision for proxy voting, and the bylaws should address removal of board members for excessive absences. Meetings should begin on time and include the following agenda items:

- Agenda Approval – the time to add or remove items from the agenda, including moving items from the consent agenda for further discussion.
- Approval and/or amendment of previous minutes.
- Consent Agenda – the time to approve any items that have appeared on previous meeting agendas and are in their final form. The consent agenda may also include items that are non-controversial in nature and will likely cause little, if any, debate among the board members. Should debate arise on an item, the item should be moved to the regular agenda.
- Correspondence – includes discussion of any written or phone communication with the board or any of its members. This is a good time to schedule any public comments.
- Agenda Items (prioritized).
- Director/Principal/Administrator report.

All governing board meetings, except for executive sessions (allowed for discussion of personnel issues and other items as provided by Section 67-2345, Idaho Code) must be open to the public. Notice of the meetings must be given to the public in advance of each meeting. Written minutes must be taken of all meetings, and these minutes must be made available to the public within a reasonable period of time after the meeting. Board members need to understand that information regarding individual students cannot be discussed in open meetings. However, in the rare instance that the governing board must deal with individual student information or personnel matters, discussions of this nature may occur in executive session.

Governing boards should take care to avoid conflicts of interest. For instance, no board member should vote on issues from which he or she might financially benefit. A clear policy regarding conflict of interest situations should be established as soon as possible.

## Governing Board Records

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Documents related to the governing board meetings, actions, and policies should be kept in a secure location at the school. This allows for easy access by board members and helps if there are public records requests.

## Governing Board Annual Evaluations

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To assure continued effectiveness, governing boards should conduct annual evaluations of their own performance and meeting effectiveness. In addition, the charter school's administrator should evaluate the board's performance on an annual basis. Remember to use measurable, objective criteria.

Boards should review their own performance by responding to questions such as these:

- Are the board and its committees sufficiently knowledgeable concerning issues impacting the charter school so that they do not depend excessively on guidance from the administrator or other staff?
- Does the board have an established procedure for setting and approving policies, a fully updated policy book, and a regular policy review process?
- Is the board following the policies, by-laws, and Articles of Incorporation?
- Has the board ensured that its public relations efforts are in the hands of a competent person who will accurately convey the charter school's message to its own community and the broader public?
- Has the board done an adequate job of forming committees to do the work of the charter school as needed? Are the board members involved in these committees?
- Has the board completed an annual charter school performance review? How does the school's performance compare with its vision and stated goals?
- Has the board conducted an annual administrator performance review?
- Are complete and accurate board meeting minutes kept and made available to the public?
- Do the bylaws allow for regular rotation and election of board members?
- Does the board actively recruit members from the charter school community to participate on committees with board members?
- Are board meetings run effectively and in a timely manner?
- Are the open-meeting laws followed?

# The Business of Operating a Charter School

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In many ways, operating a charter school is similar to running a business. For example, the board will need to incorporate, establish governance, budget wisely, understand how the funding will flow, purchase or build an appropriate facility, and hire personnel and provide them with benefits.

## Organizing as a Nonprofit Corporation

Pursuant to Section 33-5204, Idaho Code, charter schools must be organized and managed under the Idaho Nonprofit Corporation Act, Title 30, Chapter 3, Idaho Code.

To form a nonprofit corporation, Articles of Incorporation must be filed in the Secretary of State's office. Forms for nonprofit Articles of Incorporation and other information regarding nonprofit corporations can be found online at the Idaho Secretary of State Business Entities website, <http://www.sos.idaho.gov/corp/corindex.htm>

The Articles of Incorporation will include, among other things, the name of the corporation, the corporation's address, identification of a "registered agent" (a person who agrees to receive legal papers on behalf of the corporation), and the names and addresses of the initial directors. If the governing board also intends to apply for IRS federal tax exemption as a charitable organization, the Articles of Incorporation must contain a required purpose clause and dissolution of assets provision. Sample Articles of Incorporation and information on 501(c)(3) qualifications are available on the IRS website: [www.irs.gov](http://www.irs.gov).

After incorporating, the board of directors will complete the organization of the nonprofit corporation by appointing officers and adopting bylaws.

## Exemptions from Paying Sales Tax

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Nonprofit incorporation and tax exemption involve complex legal and taxation issues. To ensure compliance with state and federal law, charter schools should consult an experienced attorney and/or tax expert. These professionals can oversee the entire process and ensure that the organization meets all relevant statutory requirements. Many business lawyers specialize in nonprofit assistance and have the needed expertise to meet a nonprofit corporation's needs.

## Federal 501(c)(3) Exemption

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Obtaining tax-exempt status under 501(c)(3) can benefit a charter school in several ways. For example, if a charter school obtains tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, not only is it free from paying taxes on all income from activities related to its nonprofit purpose, but people and organizations that donate to the charter school can take a tax deduction for their contributions. To apply, submit a federal 501(c)(3) tax exemption application to the IRS with a copy of the filed nonprofit Articles of Incorporation. Applying for and receiving the 501(c)(3) status can be a lengthy process. It should be done early in the chartering process.

Every organization recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code may be required to file an annual information return: Form 990, Form 990-EZ or Form 990-PF along with Schedules A and B.

## State Tax Exemption

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Nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code are also exempt from paying state income tax. In addition, pursuant to Section 33-5204(1) Idaho Code, sales to or purchases made by a public charter school are exempt from payment of the state sales and use tax. To claim their exemption, the charter school must give its vendor a completed form ST-101, Sales Tax Resale or Exemption Certificate. Once this form is on file with the vendor, it covers all the charter school's exempt purchases.

## Budgets and Financial Management

The financial autonomy of a charter school depends on whether it is authorized by a local school district or the Public Charter School Commission (Commission). Charter schools authorized by their local school districts become part of the districts' Local Education Agencies (LEAs). For these charters, federal funding is sent to the local school district and then routed to the charter school. Virtual charter schools and all charter schools authorized by the Commission are independent LEAs, and as such receive federal funding directly. State funds flow directly to all individual charter schools, just as they do to all traditional public schools.

Charter schools have the same fiscal responsibility and autonomy as other LEAs. All charter schools, regardless of status, must develop sound financial management practices in order to address a full range of fiscal management issues. Since proper accounting for the use of private, state, and federal funds is critical for the maintenance of continued support for a charter school, the budget plan the charter school board develops must ensure proper use of public funds, reflect the school's purpose and philosophy, and stand up to a financial audit.

Below is general guidance regarding charter school budgets and financial management. This information should not be viewed as a substitute for qualified financial counsel.

## Preparing Budgets

A sound, comprehensive, and reasonable budget is critically important to the success of the charter school. Founders must research and clearly establish the funds that will be available, then develop a comprehensive plan for funds allocation.

When preparing the budget, it is wise to research what monies are available beyond the state allocation, such as technology or transportation funds. Title 1 (financial assistance to schools with high poverty populations) may also be available. More information on funding sources is included later in this section.

The following expenses must be paid using the State funds:

- Building rent or purchase of property
- Renovations and maintenance to the property
- Utilities
- Personnel (administration, faculty, and staff) salaries and benefits
- Curriculum (textbooks, manipulatives, lab equipment, etc.)
- Office costs (including cost of annual audit)
- Special Education costs
- Negotiated services (personnel services, insurance, etc.)
- Furniture, equipment, and computers
- Transportation
- Miscellaneous costs that don't fall into a specific category

- Contingency
- Insurance
- Board cost

The budget, including revenue and expenses, should project three to five years out. All startup costs must be included in the first year's budget. If the school receives grants, it is recommended that the grant money is used to cover non-operating costs such as startup expenses and extra programs that if no longer funded will not affect the integrity of the charter school or its educational program, or capital items such as computers. When creating a budget, the board must be certain that operating costs are not greater than expected revenues.

Funding will be dependent upon actual student attendance. The board would be wise to use conservative estimates for the number of students to avoid the possibility of an immediate fiscal deficiency. Student fees may be assessed in an equitable format for extra-curricular activities. Care should be taken not to make costs prohibitive for families.

In order to ensure good cash flow, you should be aware that Section 33-1009, Idaho Code, states that the general account appropriation will be distributed in five payments to be made not later than the fifteenth day of August, the first day of October, the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year. Payments of monies that accrue to the public school income fund, other than the state general account appropriation, shall be made each year on the fifteenth day of November, February, May, and July.

Budget decisions are woven into all facets of charter school planning. For example, in order to provide for future teacher raises, costs should be projected carefully. Teachers should be hired with varying degrees of experience to ensure a manageable pay structure with room for growth, freeing up money during subsequent years to increase salaries as appropriate. Imagine where the charter school should be in five years or ten years; then design the budget to help achieve the goals.

The budget should include such costs as employee benefits, which encompass statutorily mandated programs such as the Public Employee Retirement System (PERSI). Make certain all essentials, including liability insurance and other necessary services,

are accounted for as well. While these figures do not have to be exact, they should be as close as possible to the actual costs incurred.

A well-developed charter school budget not only lists projected revenues and expenditures, but also reflects the mission, vision, and design principles of a charter school. Working within financial constraints, innovative charter school developers create budgets that make the most of limited funds.

A sound fiscal plan should include all of the following:

- Start-up cash flow budget
- Cash flow projection
- Longer-term (3-5 year) balanced operating budget
- Budget-versus-actual monthly report
- Balance sheet summary of assets and debts
- Statement about assumptions (such as enrollment projections and teacher salaries) underlying fiscal statements
- Description of budget development and oversight process

The fiscal management standards and practices used by charter schools vary widely. While a charter school may determine its own processes and hire its own independent auditor, it must submit a yearly audit report conducted by an independent auditor. Charter schools receiving large amounts of federal funds may also need to comply with various federal standards regarding accounting and auditing. Charter school administrators and boards need to understand the accounting and audit procedures, as well as the applicable laws in order to establish a workable system to account for the funds.

A sample charter school budget is included in the Appendix.

## Funding for Charter Schools

One of the biggest questions petitioners and the public share about charter schools is how charter schools are funded. As public schools, charter schools receive federal and state funding, but they do not benefit from local property taxes and cannot raise money through bonds. Following is a discussion of the funding sources available to Idaho's public charter schools.

## State Funding

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State funding for charters schools is based on support units and is calculated according to the schedules found in Section 33-1002(6), Idaho Code. These schedules include attendance divisors for kindergarten, elementary, secondary, exceptional, and alternative secondary students. For each of the above categories of students, the attendance divisor is divided into the Average Daily Attendance (ADA) to determine the number of support units. Minimum support units are listed for each range of average daily attendance. If the minimum support units are greater than the calculated support units, the minimum support units will be used. The support units for each student category will be totaled and rounded to the nearest tenth. The resulting total support units will be multiplied by the state distribution factor.

Funding from the state educational support program will be equal to the total distribution factor plus the salary-based apportionment provided in Chapter 10, Title 33, Idaho Code. For each support unit, charter schools will receive 1.1 instructional staff allowance, .075 administrative staff allowance, and .375 classified staff allowance. The resulting staff allowances will be multiplied by the base salaries identified in Section 33-1004E, Idaho Code and the respective average educational and experience index as calculated per Section 33-1004A, Idaho Code.

## Distribution of Funds

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Charter schools will receive the same funding as traditional schools except that charter schools will be exempt from the following:

- That portion of Section 33-1004, Idaho Code, relating to reduction of the instructional staff allowance when there is a discrepancy between the number allowed and the number actually employed:

If a school district does not employ the number of instructional staff allowed, the instructional staff allowance shall be reduced to the actual number employed. This is commonly referred to as "use it or lose it." Charter schools are exempt from this requirement for instructional staff. Note that the "use it or lose it" requirement applies to both traditional and charter schools when determining administrative staff.

- Section 33-1004E, Idaho Code, for calculation of district staff indices:

The exemption from Section 33-1004E, Idaho Code, for calculation of district staff indices, simply means that the charter school staff will be placed on the experience and education index in Section 33-1004A, Idaho Code, thus generating charter school indices. These indices will be used in calculating the salary-based apportionment.

### Advance Payment

Section 33-5208(5), Idaho Code allows that a charter school may receive in advance a payment of 25% of its estimated annual apportionment for its first year of operation. This payment is designed to assist the charter school with initial start-up costs on payroll obligations. The advance payment continues to be available each year thereafter, provided the charter school has an increase of student population of twenty students or more. The charter school must submit its anticipated fall enrollment for each grade level to the State Department of Education (SDE), Bureau of Support Services by June 1.

The SDE shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the charter school between July 1 and July 31. All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the charter school in the same manner as other public schools in accordance with the provisions of Section 33-1009, Idaho Code.

### Payment Schedule

Section 33-1009, Idaho Code, states that the general account appropriation will be distributed in five payments to be made not later than the fifteenth day of August, the first day of October, the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year.

The first two payments shall be approximately thirty percent of the total appropriation for the fiscal year, while the third payment will be approximately twenty percent and the fourth and fifth payments shall be approximately ten percent each. Payments of monies other than the state general account appropriation that accrue to the public school income fund shall be made each year on the fifteenth day of November, February, May, and July

### Federal Funding (Title I, Part A)

Title IA provides financial assistance to schools in an effort to improve the teaching and learning of children in high-poverty schools to enable those children to meet, at minimum, proficiency on challenging state academic achievement standards and assessments. By providing funding for the education of at-risk children in high-poverty schools, the title supports the goals of the Elementary and Secondary Education Act of 1965 through No Child Left Behind with a focus on school-wide reform efforts, parent involvement, professional development, and standards, and assessments. The purpose of this title is to ensure all children have a fair, equitable, and significant opportunity to obtain a high-quality education. Title IA provides the largest source of federal educational funding support for students in public and private schools and is intended to provide for supplemental services beyond the schools' basic programs.

In brief, Title IA:

- Supports school districts in providing high-quality opportunities for students in high poverty schools to meet the same challenging state content and performance standards
- Promotes extending learning time in accelerated rather than remedial classes
- Expands eligibility for schools to operate school wide programs that serve children in high poverty schools (above 40% free and reduced lunch)
- Supports achievement of effective transitions: preschool to school, and school to work
- Establishes accountability based on results, drawing data from the statewide assessments and local measures while reducing duplicate testing
- Increases effective parental participation
- Assures fair and equitable participation of private school students
- Supports coordination with health and social services

### Eligibility Requirements for Title I Funds

A public charter school must meet the same eligibility requirements for Title I as any other public school or LEA. The LEA must first determine which schools (including charter schools) are eligible to participate. Generally, a school is eligible if the percentage of children from low-income families residing in its attendance area or enrolled in the school is at least as

high as the percentage of children from low-income families in the LEA as a whole, or is at least 35%.

The requirements include developing an approved Consolidated Plan and developing and implementing a building level plan that details the program of Title I instructional support including but not limited to a Parent Involvement Policy, Parent Compacts, participation in the state assessment and accountability system, highly qualified staff, and a scientific research based program of support for academically at risk students.

### Applying For Title I Funds

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Public charter schools requesting federal funds as an LEA should notify the Idaho Department of Education's Division of Federal Programs in writing as soon as possible in order to begin the process of applying for federal Title I funds. Working with a member of the State Department Team as soon as possible to collect the required information and develop the plans will assure that eligible charter schools applying for federal funds receive the funds in a timely manner.

### Distribution of Title I Funds

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An LEA ranks all of its schools according to their percentages of poverty to allocate funds. The LEA must first serve all schools above 75% poverty, then serve eligible schools with lower poverty rates.

### Flexibility in Obtaining Poverty Data

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An LEA collects enrollment and poverty data to determine schools' eligibility for Title I funds. If a charter school is not open at the time data is collected, it can be collected at a later date.

For charter school children, the LEA may use poverty data from a different source than the data it uses for other public schools, as long as the income level for both sources is generally the same. Idaho provides an Income Verification form to assist charter schools in determining their percentage students in poverty.

Districts are encouraged to allow charter schools as much leeway as possible with respect to deadlines for submitting data. However, because of districts' need to determine the allocation of Title I funds among participating schools in sufficient time to design programs, hire staff, purchase necessary equipment and materials, and consult with charter schools officials about equitable services for their children, districts may establish a reasonable report-

ing date for charter schools. Districts are strongly encouraged to adopt one of the following options:

- The district may reserve the amount off the top of its Title I allocation that it believes will be sufficient to fund eligible charter schools. Once a charter school has the appropriate data, the district will determine eligibility and ranking. The district will then allocate the appropriate amount of reserved Title I funds to the qualifying charter school in accordance with the district's Title I allocation procedures.
- The district may distribute an appropriate amount available from Title I "carryover funds" to a qualifying charter school.
- The district may apply to the State Department of Education (SDE) for funds available through the Title I "reallocation" process to serve a qualifying charter school.

The school budget should not rely on funds from the latter two points, as they may or may not be available to the school.

### Responsibility for the Development, Implementation, and Monitoring of Title I Programs

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Districts (LEAs) must treat their charter schools the same as their regular public schools in determining eligibility and providing program support and guidance. Program reviews and monitoring for academic achievement through Adequate Yearly Progress (AYP) must occur on a regularly scheduled basis.

Eligible public charter schools may deliver support services to identified students using Targeted Assistance Models, School Wide Projects, and/or extended time opportunities. Charter schools qualify to use a Title I School Wide Program when their poverty level is 40% or greater and must enter into a one-year planning process before actually implementing the program.

State Department of Education program reviews and technical assistance visits will occur on a regularly scheduled basis, and monitoring for academic achievement through Adequate Yearly Progress (AYP) will occur annually.

### Eligibility for Funds

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Charter schools, in their first three years of operation during the three years covered by the award period of the federal grant (2008-2011) are eligible

to receive grant monies. The grant allows for approximately \$200,000 per charter school for each year of eligibility.

The charter school must meet all aspects of the federal government's definition of a charter school in order to be eligible for the grant.

## Application Process

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Applications are available on the State Department of Education web site and will be sent to eligible charter schools. Completion of the application will include explanations of:

- The charter school's mission
- The charter school's educational program and goals
- The charter school's goals for the grant
- How the charter school will measure attainment of its goals
- How the money will assist in the attainment of the charter school's goals
- A three-year budget for the grant funds
- Professional development training plans

Applications are reviewed by a grant committee made up of SDE staff and other qualified individuals with expertise and knowledge in charter schools. The applications will be graded on a rubric. An application must receive a minimum score and the budget must follow allowable activities in order for the grant to be awarded. Charter schools will have a chance to reapply during future grant rounds by rewriting their grant if they do not receive a passing score or there are questions regarding the submitted budget.

## Use of the Grant Dollars

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Any dollars received through this grant can only be used for items related to the planning and implementation of the charter school's educational program. Federal guidelines on allowable activities are as follows:

1. Post-award planning and design of the educational program, which may include:
  - refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and
  - professional development of teachers and other staff who will work in the charter school.

2. Initial implementation of the charter school, which may include:

- informing the community about the charter school;
- acquiring necessary equipment and educational materials and supplies;
- acquiring or developing curriculum materials; and
- other initial operational costs that cannot be met from State or local sources.

The charter school is responsible for setting this money up in a separate fund and tracking expenses separately from any other funds. The charter school must adhere to the approved budget when making purchases. If needed, the school may request an amendment to the budget from the SDE School Choice Coordinator but may not change the budget until approval is given.

A performance report and full accounting of funds is required at the end of the year, together with a detailed explanation of any discrepancies between the approved budget and actual expenditures. Quantitative and qualitative data is required for demonstrating progress related to the grant goals. Additionally, a Programmatic Audit conducted by an independent organization must be completed each year of the grant. Charter schools may be liable for paying back any funds that were expended on items that were not approved and do not meet the grant requirements.

## Release of Funds

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Funds are released as reimbursements after they have been awarded. The first reimbursement is made in October. Federal regulations allow charter schools to have only enough cash on hand to cover one month's expenses, so the entire grant amount is seldom paid out.

Reimbursement requests are completed before the first of each month. Each request must list the amount requested, dates of the expenditures, and the budget items covered by the reimbursement.

## Amount of Grant Awarded

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Charter schools starting after fall 2009 are not guaranteed three years of funding, because it is the second year of the Federal grant. The following is an explanation of the timeline. Please note that the amounts of the yearly grants may fluctuate based on award amounts from the federal government and the number of schools applying.

- If a charter school opens in 2010-2011, the charter school may receive up to \$200,000 for 2009-2010 and 2010-2011 for a total of \$400,000. Funding for 2012-2013 is dependent upon the award of a new Federal grant. If Idaho is awarded another three year grant in 2011, the school will be eligible for one year of the new grant.

### Disposition of Grant Property

When property purchased with Federal grant funds is no longer needed or a charter school that has received CSP funds closes the following policy applies:

- Closing/closed charter schools: All non-consumable items of value purchased with CSP grant funds must be distributed to other public charter schools; the authorizer must work with the SDE to determine the priorities and method for distribution. A statement of how the assets will be/were distributed must be submitted to the SDE. Items purchased with the CSP funds can not be sold to satisfy creditors' claims.
- Operational charter schools: Schools wishing to sell give-away or dispose of non-consumables purchased with CSP grant funds must follow Federal guidelines and maintain appropriate documentation. Any proceeds from the sale of property must go back into the funded program (i.e., money from the sale of computers goes into the technology fund). Grant records should reflect depreciation, disposition, and an updated inventory record for six years after completion of grant funding.

### Special Education Funding

Special education funding from the federal government flows to school districts and charter school LEAs through the State Department of Education. LEAs are required to distribute funding to charter schools in the same manner as they provide it to other, traditional public schools.

LEAs may use Medicaid funds or other public insurance benefits to partially pay for special education and related services; however, the district may not require a parent (or adult student) to sign up or enroll in Medicaid in order for the student to receive a Free and Appropriate Public Education (FAPE).

If a special needs child is covered by private insurance, an LEA may access his or her parent's private insurance only if the parent gives informed consent. Each time the LEA proposes to access private insurance, it must obtain written parental consent and

inform the parent that his or her refusal to permit the district to access private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parent.

Proceeds from public and private insurance will not be treated as program income. If a public agency spends reimbursements from federal funds for services under this part, those funds will not be considered "state or local funds" for purposes of the maintenance of effort provisions

### Transportation Funding

School transportation provided by LEAs, including charter school LEAs, is a reimbursable expense funded by the state and dispersed by the State Department of Education in accordance with Section 33-1006, Idaho Code and 33-5208(4) Idaho Code.

Transportation reimbursement payments are included in the SDE's February, May, and July disbursements and reflect reimbursement for the previous year's "allowable" transportation costs. It is important to recognize the school's transportation reimbursable costs may be limited to either the statewide average cost-per-rider or statewide cost-per-mile. To be eligible for state reimbursement the charter school student being transported must live within the public charter school's attendance zone, and must meet at least one of the following criteria:

- the student resides within the school district in which the public charter school is physically located; or
- the student resides within fifteen miles of the public charter school, by road.

Not all school transportation costs are considered reimbursable. For example, the transportation must, with few exceptions, be provided in "yellow school buses" that meet or exceed Idaho minimum construction standards, as defined in the SDE's most recent Standards for Idaho School Buses and Operations. In addition, LEAs must cover many school transportation costs from other funding sources.

Reimbursement to home-based public virtual charter schools for transportation costs is based on a criterion that differs from costs associated with traditional school transportation modes. Not all public virtual charter schools are eligible for reimbursement of transportation costs, so stakeholders should carefully review Section 33-1006(7), Idaho Code, in its entirety.

## Limited English Proficient (LEP) Program Funding

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Each spring, the State Board of Education requests the LEP Child Count from every LEA in Idaho. These counts determine the district's allocation amount from the total state and Federal LEP allocation for the upcoming school year. The LEP Child Count requests LEAs to report the following information:

- Number of students assessed as LEP through the Idaho English Language Assessment, which is administered once per year
- Number of students identified as LEP through any assessment made during the year

## Other Funding Sources

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In addition to the state and federal funds to which they are entitled, charter schools may receive funding from private individuals and organizations. Working with the private and non-profit community can yield additional financial support for charter schools and lead to increased support for the charter school within the community.

Some charter schools, rather than applying for cash awards, have developed other, sometimes more productive strategies for receiving support, such as building partnerships with local businesses and organizations. Many charter schools conduct large auctions every year, where donated big ticket items garner a lion's share of the auction revenues.

## Idaho Foundations

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The J.A. & Kathryn Albertson Foundation  
P.O. Box 70002 Boise, Idaho 83707-0102 Phone: (208) 424-2600 <http://www.jkaf.org>

The J.A. and Kathryn Albertson Foundation is a supporter of school choice. We believe that every Idahoan deserves high quality educational choices to fit their needs. The Foundation maintains a charter school support grant of \$100,000 in start-up funds to any approved charter and an additional school choice grant program for successful schools of choice; including private schools, virtual schools, magnet schools and charter schools.

### The Idaho Community Foundation

Please contact the local library, the Idaho Community Foundation at 1-800-657-5357 or 208-342-3535, or online at <http://www.idcomfdn.org/> for more information about possible funding sources.

As a member of the local philanthropic community, the Idaho Community Foundation supports meritorious projects and organizations at the discretion of the Foundation's Board of Directors.

## National Organizations and Foundations

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Other organizations that have been favorable to charter schools include:

The Bill and Melinda Gates Foundation  
PO Box 23350 Seattle, WA 98102 Phone: (206) 709-3100

Email: [info@gatesfoundation.org](mailto:info@gatesfoundation.org),  
[www.gatesfoundation.org](http://www.gatesfoundation.org)  
Grant Inquiries Phone: (206) 709-3140

Email: [info@gatesfoundation.org](mailto:info@gatesfoundation.org)  
Education Programs PO Box 23350 Seattle, WA 98102

Phone: (206) 709-3607

Fax: (206) 709-3280

Email: [edinfo@gatesfoundation.org](mailto:edinfo@gatesfoundation.org)

Bill and Melinda Gates believe every life has equal value. In 2000, they created the Bill & Melinda Gates Foundation to help reduce inequities in four primary areas. Through its Global Health program, the Foundation works to close the gap between rich and poor countries by encouraging new research and supporting healthcare organizations that reach people most in need. The Foundation's education program seeks to ensure that all students in the United States graduate from high school ready for college, work, and citizenship.

Additional funding organizations are listed in the Appendix.

## Charter School Facilities

Locating and financing charter school facilities is undeniably a challenge. The 2000 National Study of Charter Schools indicates that inadequate facilities are one of the three most frequently cited obstacles faced by charter school founders. (The other two are insufficient start-up costs and insufficient operating funds.) The facilities challenge is particularly daunting for start-up charter schools, as compared to existing schools that convert to charter status.

Though charter schools are public and receive state and federal funds comparable to those of traditional public schools, they do not have the ability to raise funds through taxes or bonds. Thus, they must finance their facilities out of operating revenues or

fundraise to cover facilities costs. This can prove difficult because conventional lenders generally view charter schools as risky ventures. Their limited assets, contracts, and operating histories make banks hesitant to provide them with long-term mortgages or lease financing.

The majority of charter schools are start-ups, for whom securing facilities has proven most difficult. Scarce space in a district, limited funds, and difficulties associated with borrowing money to rent space have prompted many charter schools to seek creative facilities solutions. Some have made arrangements with local organizations or businesses to lease building space at low prices. Others have arranged to purchase land from developers at reduced prices. Still more have rented portable classrooms and put them on temporary sites or the property where they eventually intend to build.

Following is an outline of four basic steps in the process of securing charter school facilities: (1) developing a facilities plan, (2) assessing building/site needs, (3) selecting and evaluating a site, and (4) financing the site. Throughout the process the board, school administration, parents, and students need to be flexible and creative with the facilities plan.

### Developing a Facilities Plan

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The first step toward securing facilities is developing a facilities plan. A charter school's facilities plan is integral to its overall business plan, which communicates the charter school's objectives to its board, the staff, organizations offering funding options, and the public. Planning for charter school facilities involves taking stock of expected enrollment, staff size, revenues, and growth. Here are a few tips:

- Start the planning process early and be flexible during the first few years of operation.
- Allow 3-4 years to develop, negotiate, finance, and complete a charter school facility project.
- Draw on professional assistance from real estate agents, nonprofit developers, architects, building inspectors, general contractors, real estate financiers, and lawyers.
- If possible, hire an experienced project manager to assist with assessing needs and selecting a site.
- Start with sufficient enrollment to cover rent or debt service.
- Reserve enough physical space for several years' growth.

- Keep occupancy costs within 25 percent of operating revenues.
- Keep the charter school's revenue-generating space (classrooms) at or above 45 percent of the charter school's total facility space.
- Partner with community agencies such as libraries, YMCA's, and recreation areas.
- Involve parents, students, staff, and the broader community to ensure the charter school is well received in its location.

### Assessing Building Needs

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The next step in finding a suitable facility is to take stock of the charter school's needs. Ideally, the facility will reflect and support the charter school's culture. Founders may wish to take into account the following:

- Charter school vision and how the facility reflects that vision
- Expected enrollment and expected growth
- Classroom space necessary to meet educational goals
- Amount of space needed to maintain the desired student to teacher ratio
- Space requirements for meeting the needs of special education students
- Desired non academic spaces, e.g. dance studio, auditorium, playground, gym, library, etc.
- Technology needs, e.g. wiring for computers and internet access
- Geographic location in relation to the students who will be attending
- Transportation options for reaching the site

It is important for developers of new charter schools to realize the need for space may change over time and all facility needs don't have to be met by the first day of classes. Founders will need to consider a wide range of alternative sites and keep several options open. In many cases, charter schools can make a less-than-ideal facility suffice for the first few years.

### Evaluating and Selecting a Site

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The third step is to assemble a team to identify and evaluate potential sites, allowing time to gather information about the real estate market and consider both lease and purchase options. Additionally, it is crucial to become well versed in all applicable safety

issues, building codes, and zoning rules. These may include regulations such as square footage requirements for each type of classroom; permissible construction materials; specifications for walkways, doors, windows, and ceiling heights; requisite work permits; necessary on-site and off-site improvements; and adequate access for people with disabilities. The basis for required plan reviews of charter school projects by the Division of Building Safety is found in Section 39-4113, Idaho Code. During this process, plans are reviewed for general compliance with current building, mechanical, energy, accessibility, elevator, electrical, and plumbing codes.

Once potential sites are identified, the board must evaluate what it will take to make them suitable for the charter school. Pay particular attention to building codes, hazardous materials, liability costs for insurance and repairs, plumbing and wiring, and site preparation. Be aware that there may be alternative approaches to meeting regulations through waivers, phase-in periods, or grandfathering. Continue to rely on professional legal, architectural, and bearing in mind that a short timeline will raise prices.

### Creative Site Options

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Many charter school developers have been innovative in securing facilities, especially on limited budgets. Consider some of the following site options utilized by existing charter schools:

- Unused or underused educational space, such as that in existing public, private, and parochial schools, or local colleges/universities. A great benefit of this option is that the facility has already been made suitable for learning.
- Public community facilities that can be shared on days they are not in use. Consider community centers, city parks, and recreation areas.
- Public facilities such as state or locally owned vacant buildings. Be aware that vacant buildings often require a lot of renovation.
- Corporate partnerships. Some businesses have shown interest in hosting charter schools as a convenience for their employees, while others may have a philanthropic interest or be interested in forming a reciprocal relationship.
- Unconventional locations such as former storefronts, industrial parks, office buildings, or even movie theaters
- Temporary space in modular or portable classrooms

### Financing Facilities

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Once a suitable site is selected and negotiations are made to obtain it, financing is the last hurdle. Charter school developers need to be as flexible and creative in securing the money as they are in finding the facility. Following is a list of possible sources of facilities funding:

- Large regional and national commercial banks (might not be eager to lend to start-ups), small local banks, finance companies, or the actual seller
- University partners, management companies, government programs, or community development corporations that act as loan guarantor
- Community development financial institutions (CDFI's), which specialize in providing access to loans for nonprofits
- State per pupil operating funds
- Fundraising through a capital campaign tapping many different sources of grant funding from federal, state, and local government grants to corporate and foundation grants
- Donations from individuals
- Monies from private investors
- Modular building companies, which may offer construction management and financing to nonprofit organizations that buy their modular facilities

Nearly all public charter schools have experienced the challenges of a facilities search. As you proceed down this road, remember to ask direction from those who have gone before.

Additional resources for financing are listed in the Appendix under useful contacts.

### Charter School Personnel

Public charter schools employ a variety of classified and non-classified personnel similar to that at a traditional school. In addition to an administrator, charter school employees include teachers, office staff, business managers, educational assistance, maintenance and other personnel. Because the employees are public employees, certain standards must be met, including the provision of certain benefits.

General Information about Charter School Personnel

- Charter school teachers and administrators must be on written contracts in a form approved by the state superintendent of public instruction, conditioned upon a valid certificate being held by such

professional personnel upon commencement of duties. There are some limited certification options and a waiver for which application can be made.

- All public charter school personnel must be covered by the Public Employee Retirement System of Idaho (PERSI), Federal Social Security, Unemployment and Worker's Compensation Insurance, and Health Insurance.
- The staff of a charter school is a separate unit for purposes of collective bargaining. No local board of trustees can require any employee of the school district to be involuntarily assigned to work in a charter school.
- Certified teachers in a charter school are public school teachers. Educational experience will accrue for service in a charter school. This experience will be counted by any school district to which the teacher applies for employment following service in a charter school.
- Certificated educators must meet the same requirements as those in other public schools.
- The State Department of Education's administers State Board Rule and Idaho statute to help ensure highly qualified teachers are in every classroom. The rules and statutes for initial certification may be accessed through the SDE website.
- Idaho welcomes competent, caring, and highly qualified educators to apply for certification. The Educator Certification/Credential website outlines the requirements for initial Idaho certification, including undergoing a criminal history check as required by Sections 33-130 and 33-130A, Idaho Code.
- Out-of-state applicants for Idaho certification will be issued a three-year, non-renewable interim certificate. This certificate entitles the holder to three years in which to meet Idaho certification requirements.
- All Idaho certificated employees are subject to the Code of Ethics for Idaho Professional Educators. Implementing the Code of Ethics is the responsibility of the Professional Standards Commission.
- To meet the requirements of the No Child Left Behind (NCLB) federal legislation. All teachers of the following core academic areas must meet highly qualified status:

Elementary Education  
English / Language Arts  
Math  
Science

Foreign Languages  
Political Science / Government  
History  
Geography  
Economics  
Music, Drama, and Arts (visual and performing, excluding Dance)

For further information about the Highly Qualified Teacher requirements is available on the SDE website.

### Certificated Personnel Support Program

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Section 33-514, Idaho Code provides for adequate support for teachers who are new to a district or charter school. It is hoped that, with support, teachers will remain in the profession and continue to develop as educators. The annual contract teacher support program applies to certificated personnel eligible to receive a Category A, B, or Continuing Contract:

- Category A: A limited, one-year contract for certificated personnel in the first or greater years of continuous employment with the same school district.
- Category B: A limited, two year contract that may be offered at the sole discretion of the board of trustees for certificated personnel in their fourth or greater year of continuous employment with the same school district. The board of trustees may, at its sole discretion, add an additional year to such a contract upon the expiration of the first year; resulting in a new two year contract.

### Continuing Contract

#### Employee Benefits

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Section 33-5205(3)(m), Idaho Code, requires a public charter school's charter to include a provision ensuring that all staff members of the public charter school will be covered by PERSI, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

#### Social Security

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Social Security and Medicare coverage for government employees is unique because there are special coverage provisions for public employees under the Social Security Act. It is important for the board, as a public employer, to know about these provisions and how they may affect the employees.

The Social Security website for state and local government employees is designed for employers who are responsible for withholding, reporting and paying Social Security and Medicare taxes for public employees, provides information about how public employees are covered for Social Security and Medicare, laws and regulations, publications, contacts in the State, and related web links that will help you understand the Social Security and Medicare coverage and reporting requirements for public employees.

## Federal and State Tax Withholding

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All charter schools are required to withhold federal and state income tax for their employees. Charter schools must verify that each new employee is legally eligible to work in the United States. This will include completing the U.S. Citizenship and Immigration Services (USCIS) Form I-9, Employment Eligibility Verification. Charter schools are also required to report any new employee to a designated state new hire registry. Many states accept a copy of Form W-4 with employer information added. Each new employee is required to complete the Form W-4. Charter schools must also record each new employee's name and number from his or her social security card.

## Unemployment Compensation

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The U.S. Department of Labor does not administer or oversee unemployment insurance (UI) programs. Unemployment insurance benefits and employer requirements are determined at the state level. Each state's laws, procedures, taxation rates, qualification requirements, and benefits are unique. Another agency within the Department of Labor – the Employment and Training Administration (ETA) – sets minimum requirements for and provides guidance to the state workforce security agencies. The board should contact the state office(s) of workforce security for information concerning the charter schools obligation for its employees.

## Workers Compensation

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Employers with one or more full-time, part-time, seasonal, or occasional employees are required to maintain a workers compensation policy unless specifically exempt from the law. Workers' compensation is required to be in place when the first employee is hired.

There are a number of exemptions to the workers compensation requirement, but most of them will not apply to the charter school's employment situation. Therefore, the board should count on providing

workers' compensation insurance for the employees. There are numerous penalties for failure to do so.

For example, if one of the employees is injured and the board does not have workers' compensation insurance in effect at the time of the injury, board member can be personally liable for all benefits, including medical and wage loss, provided under the Workers' Compensation Law. An uninsured employer may also be liable for a penalty of 10% of the amount of medical and wage loss benefits as well as attorney fees if the injured worker is represented by an attorney.

In addition, employers who operate without workers' compensation insurance can be liable for a penalty of \$2.00 per day per employee or \$25.00 per day, whichever amount is greater. The Workers' Compensation Law authorizes the Industrial Commission to file a lawsuit in district court to obtain an injunction prohibiting the employer from operating the business while in violation of the Workers' Compensation Law.

Finally, operating a business without workers' compensation insurance is a misdemeanor under Idaho law and the employer may be subject to criminal penalties. If the school has contract workers, whether the contract is verbal or written, the workers may be considered employees under the Workers' Compensation Law. To ensure compliance with the law, contact an Industrial Commission Employer Compliance representative to discuss the situation. The requirement for coverage is considered on a case-by-case basis.

Workers' compensation insurance premiums are based on payroll and vary according to the type of business or work performed by the employees. The employer is required by law to pay the entire cost of workers' compensation insurance coverage. Deducting any portion of the cost of these premiums from employee wages is specifically prohibited. The charter school board's insurance agent or representative can assist with determining the individual workers' compensation insurance cost.

Employers can obtain workers' compensation insurance through one of four sources:

- **Private Insurance:** There are over 270 private insurance companies authorized to issue workers' compensation insurance in Idaho. For information, contact an insurance agent or company representative.

- **State Insurance Fund:** Managed by the state and available to Idaho employers, the State Insurance Fund is headquartered in Boise, with field offices located throughout Idaho. Contact any of their offices or the insurance agent for more information.
- **Assigned Risk Pool:** Employers unable to obtain coverage from private insurance companies or the State Insurance Fund can apply for coverage through the assigned risk pool. The pool is administered by the National Council on Compensation Insurance (NCCI). Contact the insurance agent or NCCI at (800) 622-4123 for more information.
- **Self-Insurance:** This option is available to Idaho employers with large payrolls who are able to meet specific requirements. Approval for self-insurance must be granted by the Idaho Industrial Commission.

### The Idaho Industrial Commission

The Idaho Industrial Commission performs the following duties:

- Regulates workers' compensation activities in Idaho, including companies licensed to issue workers' compensation policies
- Settles disputes between injured workers and insurers
- Decides appeals of unemployment decisions from the Idaho Department of Labor
- Ensures that employers have workers' compensation coverage as required by law
- Provides no-cost rehabilitation services to Idaho workers injured on the job
- Provides compensation to innocent victims of crime through the Crime Victims Compensation Program

### Public Employee Retirement System

The Public Employee Retirement System of Idaho (PERSI) is a \$5.8 billion retirement plan designed to provide secure, long-term pension benefits for employees who choose careers in public service. PERSI is a qualified, tax-deferred plan under IRS Code Section 401(a).

The system's members and beneficiaries receive direct benefits through retirement, disability and death benefit programs. By law, agencies of the State of Idaho and school districts are PERSI members. Any eligible employee working for an employer member of PERSI automatically becomes an active member of the plan. Generally, the employees will be eligible for PERSI membership if they normally work 20 hours or more per week, or are teachers who work half-time or more, and their employment is for five or more consecutive months.

To contribute to the employees' plans, a designated percentage of salary is withheld from their paychecks every pay period. The money will be deposited into a retirement account set up for them. The employer contributes a designated amount to PERSI each pay period.

Note: If a management company is used to oversee the finances for a charter school the employees must be employed by the school as opposed to the management company in order to be eligible for PERSI.

Additional information for PERSI is available on the website: <http://www.persi.state.id.us/>

### Health Insurance

Charter school must provide the same group health insurance benefits to all non-certificated employees who work twenty hours or more per week as are provided to certificated employees. (Section 33-517A, Idaho Code)



## Additional School Services

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Like traditional public schools, charter schools offer a number of services in addition to their basic educational programs. These services ensure the availability and effectiveness of the charter school to all students, enabling them to reach their full potential. Several such services are addressed in this section.

### Services for Special Education Students

The provision of special education is an expensive, complex, and rewarding issue for public charter schools. Many parents around Idaho share inspiring stories about the success their special education children have found in public charter schools. However, some schools have struggled in their efforts to provide a Free and Appropriate Public Education (FAPE) to all students as required by the Individuals with Disabilities Education Improvement Act (IDEA). The consideration of special education students throughout the planning phases of charter school development will largely determine the success or failure of the special education program.

Parents of students with disabilities want their children to enjoy the same educational opportunities available to children without disabilities. The governing board should be fully committed to fulfilling their obligation to serve all children, including those with disabilities. The challenge is to help all students in the charter school succeed. Overcoming this challenge will require both resources and strategies that support the provision of educational services needed by students with disabilities.

To accommodate the students and their families, it is essential that the charter school's staff and governing board understand the laws pertaining to special education and know what it looks like in practice. Failing to understand the requirements and guidelines can cause problems or even lead to legal action. The following is an introduction to special education in public schools. It is advisable to consult with experts in special education requirements and guidelines to determine the schools' compliance with all of the rules and laws..

### The Individuals with Disabilities Education Improvement Act (IDEA)

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The Individuals with Disabilities Education Improve-

ment Act (IDEA) is a federal law protecting the rights of students with disabilities. It says that all students are entitled to receive a Free Appropriate Public Education (FAPE), which means students with disabilities have the right to receive educational services tailored to meet their individual needs.

### Definition of Special Education

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Special education is specially designed instruction to meet the unique needs of students with disabilities. It can include individual or small group instruction, curricular or instructional modifications, transition services, assistive technology devices, or other specialized services. Some special education students are also entitled to related services such as physical, occupational or speech therapy, and/or special transportation. Special education is provided according to an Individualized Educational Plan (IEP). It is developed for each student by the IEP team, a group of individuals including educators and the student's parents. Special education must be provided at no cost to parents.

### Eligibility for Special Education

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The existence of a disability does not, by itself, mean that a student is eligible for services under the IDEA. To be eligible, a student must have a disability that adversely affects educational performance and requires specially designed instruction. Students must be identified under one or more of the following categories: autism, cognitive impairment, deaf-blindness, deafness, developmental delay, emotional disturbance, health impairment, hearing impairment, language impairment, learning disability, multiple disabilities, orthopedic impairment, speech impairment, traumatic brain injury, or visual impairment including blindness. Pursuant to the Administrative Rules of the Idaho State Board of Education, the State Department of Education (SDE) has established State Eligibility Criteria for special education services for categorical and non-categorical eligibility consistent with the IDEA. (IDAPA 08.02.03)

Further clarification of the need for special education and the criteria for eligibility can be found in the SDE's Primer on Special Education in Charter Schools. If a student with a disability needs only a related service and not special education, then the student is not eligible, unless the related service is needed by the student to benefit from his or her

special education program. (In Idaho, speech therapy and language therapy are considered to be special education.)

Charter schools are entitled to receive IDEA funding and are responsible for meeting the requirements of IDEA to provide a FAPE to eligible children with disabilities. One requirement of FAPE is that students with disabilities are to be educated in the least restrictive environment (LRE). This means that, to the greatest extent possible, students with disabilities must be educated alongside non-disabled students. However, in some cases the LRE may be a separate classroom used exclusively for special education students. FAPE must also include related services, transition services, supplementary aids and services, and/or assistive technology devices and services required to help the student benefit from his or her education program.

The definition of FAPE under IDEA means special education and related services that are:

- FREE – provided at public expense;
- APPROPRIATE – provided in conformity with a properly developed IEP;
- PUBLIC – provided under public supervision and direction;
- EDUCATION – includes preschool, elementary, and secondary education that meets the education standards, regulations, and administrative policies and procedures issued by the State Department of Education.

## Essential Components of a Special Education Program

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Special education requirements can be complex and confusing. Charter school leaders should become thoroughly familiar with state and federal laws governing the provision of FAPE, identifying or referring students who may need special education, conducting evaluations, determining eligibility, developing and implementing IEPs, transition planning for secondary students, educating students in the LRE, involving parents, and providing due process. Before opening, the board and administration must determine who will be responsible for ensuring that special education services are provided according to federal requirements. The options include:

- employing full- or part-time professionals to serve special education students;

- contracting with qualified individuals;
- negotiating a contract with the local district to provide special education services; or
- using a combination of the above options or other creative ideas to provide special education services.

Regardless of which option is selected special education services must be provided by qualified professionals. This means that special education teachers and speech therapists must be appropriately certificated/endorsed.

The board should plan on providing in-service training needs of the special education personnel. Also consider providing the training that general education teachers will require to meet the needs of students with disabilities who are in their classes.

Under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, Charter schools are responsible for ensuring that all programs and services are accessible to all students and parents. This requirement may necessitate that you update the facility to accommodate students and parents with mobility or sensory impairments.

Similarly, transportation is considered a related service under the IDEA. This means special education students may be entitled to transportation to and from school even though the charter school does not typically provide transportation.

## Laws Governing the Provision of Services to Students with Disabilities

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For charter schools, the federal laws (and their regulations) that have most relevance for implementing special education are the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004); the Elementary and Secondary Education Act (ESEA), recently reauthorized as the No Child Left Behind Act (NCLB); Section 504 of the Rehabilitation Act of 1973 (504); the Americans with Disabilities Act (ADA) and the Family Education Rights and Privacy Act (FERPA).

Section 33-202, Idaho Code is the citation for Idaho's special education law.

## Services for Limited English Proficient Students

### Defining a Limited English Proficient (LEP) Student

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A Limited English Proficient student is defined as an individual who has a native language other than English and comes from an environment where a language other than English is dominant; or is a Native American and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; and who has difficulty speaking, reading, writing or understanding the English language, whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to fully participate in our society.

The No Child Left Behind Act of 2001, Title III: Language Instruction for Limited English Proficient and Immigrant Students details the requirements for LEP programs and the way in which LEP students are to be instructed. Nothing under NCLB supersedes the Office of Civil Rights (OCR) regulations for instructing English language learners. The Idaho Consent Decree also details protocol for serving LEP students within Idaho.

Public charter schools must provide English language development services for eligible LEP students who enroll, and LEP designation may not be a factor in enrollment lottery procedures.

Any Idaho LEA enrolling LEP students must assess the students for their level of language proficiency and place them in a program if services are needed. All LEAs with one or more LEP student must meet the requirements of NCLB, including but not limited to the following:

- Identification of limited English proficiency through a Home Language Survey (HLS) given to all new students upon registration
- Development of a district LEP plan for meeting needs of LEP students
- Submission of an annual LEP plan update to the state LEP program
- Provision of notifications to parents, translated to the extent practicable
- Provision of parental outreach opportunities
- Provision of continuous program monitoring

- Provision of comprehensive professional development to all teachers and paraprofessionals that is applicable for serving LEP students
- Provision of annual reports to the LEP program at the State Board of Education

### Essential Educational Components of an LEP Program

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Instruction leading to second language proficiency for LEP students should be integrated into the overall curriculum, be responsive to cultural differences, and maintain high learning and achievement standards.

An LEP student should be able to benefit from instruction addressing all content areas in a manner comprehensible to him or her. Finally, an LEP student should receive specific English language development appropriate for his or her linguistic abilities. This will help each student benefit from instruction in the classroom and simultaneously achieve appropriate academic levels.

### Reporting Requirements

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LEP data must be collected annually for submission to the State LEP Program. This data emphasizes the requirements outlined in Title III of NCLB and includes, but is not limited to the following:

- Total number of students assessed as LEP with a language placement test;
- Total number of LEP students served;
- Progress/growth in the English language made by students enrolled in the program;
- Progress/growth in the academic content area made by students enrolled in the program;
- Types of language instruction educational programs implemented within the school/district;
- Total number of certified or licensed teachers working with language instruction educational programs;
- Number of paraprofessionals serving LEP students in a language development program;
- Number of students exited from the program each year;
- Proposed changes, if any, for the subsequent year;

All student data at the district/school level must be compiled by gender, race/ethnicity, grade, all special program coding, date placed into an LEP program, and assessment scores.

## Accountability for Serving LEP Students

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The State LEP Program uses a variety of methods to verify that LEAs are making every effort to develop and implement programs allowing access to an equitable education for all LEP students and meeting the requirements. All LEAs with LEP students participate in the following types of data collection and monitoring devices:

- District/school LEP Plan and annual updates
- Educational Learning Plan (ELP) for Limited English Proficient Students that are given classroom accommodations
- On-Site Visits
- LEP Program Reviews

## Language Proficiency Assessments

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All LEAs must administer the Idaho English Language Assessment (IELA) to evaluate LEP students' oral, reading, and writing proficiency. The assessment provides information for student evaluation regarding growth and proficiency in the English language. The IELA is provided every spring for LEAs to administer in order to measure the progress of the LEP students they are serving. An IELA/Placement assessment is a separate assessment and is used to determine placement into an LEP Program upon fall registration or enrollment.

## District/School and State Coordination

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Each LEA must designate an LEP Director to coordinate the LEP program and manage correspondence with the State Department of Education. LEA -LEP Coordinator information and any LEP programming questions may be directed to the State LEP Program Manager.

## Gifted and Talented Students

### Definition of Gifted and Talented

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Section 33-2001, Idaho Code describes gifted/talented children as "...those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic, or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities." All public schools, including charter schools, must identify and serve gifted/talented students.

## Laws Governing the Provision of Services to Gifted/Talented Students

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Section 33-2003, Idaho Code, states each LEA is responsible to identify and provide instruction and training for gifted/talented children between the ages of five and eighteen. The State Board of Education shall, through the Department of Education, determine eligibility criteria and assist school districts in developing a variety of flexible approaches for instruction and training that may include administrative accommodations, curriculum modification, and special programs.

Each LEA is required to have a plan for the identification and service of gifted and talented students. This plan, which is updated every three years, should include a vision statement, a definition of giftedness, program goals, program options, identification procedures, and program evaluation (IDAPA 08.02.03.999)

## Essential Components of a Gifted and Talented Program

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Many components need to be considered when developing a G/T Program. The following are areas that, if addressed, will enhance the quality of the program:

- Program Coordinator: Regardless of the size of the program, there must be a LEA-level staff member ultimately responsible for program development, implementation and funding. (IDAPA 08.02.03.999)
- In-service Training: Teachers themselves should, whenever possible, be involved in planning how teaching staff will receive training. This might be accomplished through a needs assessment survey or a faculty planning committee.
- Staff and Facility Needs: LEAs with multiple schools often share a G/T specialist among buildings. Sometimes the teacher functions in an itinerant role and travels between the schools; other times a central location is established and the students are brought to it. G/T programs, their staff, and facility needs vary widely. Some programs offer an hour or two each week of random enrichment while "pullout" programs may remove the student from his or her regular classroom for the full day.
- Community Resources: Involvement with the community builds support, not just for the G/T Program, but for the entire educational program.

Consider inviting community members to serve as mentors or resources for career education.

- Policy: LEAs should develop policy concerning acceleration and continuity of services throughout the grades. This policy should include a statement about the classroom assignments of students participating in G/T programs. Remember the goal of G/T services is to provide more appropriate learning experiences, not just more work.
- Exits, Removals and Requests for Reviews: In planning the identification process, remember to outline procedures for handling exits, removals and requests for review.

## Student Files, Documentation and Record Keeping

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Every student who is identified as G/T within the school district will have a confidential file documenting the need for services. The student's file should include the following materials:

- Referral and consent for testing
- Summary of test results
- Assessment documentation, e.g., checklists, nominations, test reports, anecdotal information, portfolio rating scale, etc.
- Decision of the G/T Team

## Migrant Education Program

### Goal of the Migrant Education Program

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The goal of the Migrant Education Program (MEP) is to ensure that all migrant students reach challenging academic standards and graduate with a high school diploma (or complete a GED) that prepares them for responsible citizenship, further learning, and productive employment.

The MEP is authorized under Part C of Title I of the Elementary and Secondary Education Act of 1965, as amended. The statutory purposes of the MEP set forth in Section 1301 are to:

- Support high-quality and comprehensive educational programs for migrant children to help reduce the educational disruption and other problems that result from repeated moves;
- Ensure migrant children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and state academic content and student academic achievement standards;

- Ensure migrant children are provided with the appropriate educational services (including supportive services) addressing their unique needs in a coordinated and efficient manner;
- Ensure migrant children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;
- Design programs to help migrant children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and
- Ensure migrant children benefit from state and local systemic reforms.

### Definition of Migratory Child

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A migratory child is a child who is, or whose parent, spouse or guardian is, a migratory agricultural worker or a migratory fisher who, in the preceding 36 months, in order to accompany or join such parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher has moved from one school district to another.

### Providing Migrant Education Services

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As public schools, charter schools must provide access for migrant children to the same free, appropriate public education provided for all children. Title I, Part C is a supplementary educational program, and the charter school may apply to the SDE for a sub-grant by submitting a proposal explaining how it will improve teaching and learning for migrant children and remove barriers to school enrollment, attendance, and improve academic achievement of migrant children.

There are no federal or state laws governing the provision of services to migrant students, as it is a "supplementary" educational program under the Improving America's Schools Act of 1994 (P.L. 103-382). The program's purpose is to improve teaching and learning for disadvantaged children and to help them meet challenging academic content and student performance standards.

## Essential Components of a Migrant Education Program

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Migrant Education Programs support high quality and comprehensive educational programs for migratory children to address disruptions in schooling and other problems that result from repeated moves. Essential components include:

- **Instruction:** High quality, comprehensive instructional programs that address the needs of students who frequently move.
- **Assessment:** Migrant children are to be included in statewide assessments used to measure students' academic achievement.
- **Record Transfer:** Timely exchange of migrant student education and health records to provide students with appropriate services, avoid redundant testing, and grant credit for completed course work.
- **Certificates of Eligibility:** Documentation of student eligibility based on qualifying employment date and qualifying move.
- **Parental Involvement:** Requires appropriate consultation with parents in the planning and implementation of the migrant education program.
- **Instructional Services:** Educational activities for preschool-age children and instruction in elementary and secondary schools, such as tutoring before and after school.
- **Support Services:** Educational related activities, such as advocacy for migrant children; health, nutrition, and social services for migrant families; necessary educational supplies; and transportation.

## Child Nutrition Programs

The provision of school food service is at the discretion of each Idaho LEA, including charter school LEA's. Charter schools are not required to provide nutrition programs, but many choose to do so as a service to their school communities.

### Options for Providing Food Service

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Option 1: Students attending public charter schools in Idaho are eligible to participate in federal Child Nutrition Programs: National School Lunch, School Breakfast, and Special Milk, through the authorizing district's non-profit food service operations. Donated commodity foods and federal cash reimbursements are available to help support the program, and to provide for meals at free or reduced prices to eligible

students. Charter schools may have a simple agreement with their local school districts to provide this service.

Through this option, a charter school's nutrition program could be run either under the umbrella of the local school district or on its own. Coordinating efforts with the local school district is in the best financial interest of the charter school. If a school's nutrition program is self-operated, someone on its staff must attend all necessary trainings to assure compliance with regulations. If the service is run under the umbrella of the local school district, several of these requirements will already be taken care of under the existing USDA Child Nutrition Program.

Option 2: Should a charter school elect not to take advantage of the benefits of the federal Child Nutrition Program, it is free to arrange for its own meal service or alternate catered food service on an a la carte basis, or through an outside vendor. However, this type of meal service is not eligible for federal reimbursement.

Option 3: Charter schools may choose not to provide any formal food service. In these schools, parents must provide meals for their children to bring to school.

## Relationship Between Food and Student Learning

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Food can have a profound effect on students' learning. Studies demonstrate the important connection between the adequacy of a child's nutrient intake and his or her ability to learn. Federal Child Nutrition Programs are designed with this in mind. An alternate food service would require careful design and monitoring to ensure nutritional needs are being met.

### Free or Reduced Lunch

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Offering free or reduced lunch for qualifying students makes the charter school more accessible to students who wish to attend. Seventy-five percent of the charter schools operating in the 2004-05 school year provided opportunities for students to get a free or reduced lunch. Several charter schools have their own cafeterias and cook lunches on site for all students. Others partner with their authorizing school districts to have food brought in.

Some charter schools don't receive reimbursement from the federal government to offer their lunch

programs, but they partner with local catering companies to have food brought in. The schools pay out of general operating funds a portion of or the entire cost for of the lunches for students qualifying for reduced or free lunches.

## Data for Title I Funding

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Charter schools that choose not to provide a nutrition program may wish to collect data regarding eligibility for free and reduced lunch anyway, in order to evaluate school eligibility for Title I funding. Schools that choose to collect this data should follow appropriate guidelines in ensuring the confidentiality of these records.

## Student Transportation

Offering students transportation to and from school makes charter schools more accessible to families. When providing transportation for their students, charter schools must comply with all laws and rules that govern transportation for students.

Section 33-1501, Idaho Code, provides that “...the board of trustees of each district, including specially chartered school districts, shall, where practicable, provide transportation for the public school pupils within the district...No board of trustees shall be required to provide transportation for any pupil living less than one and one-half (1 ½) miles from the nearest appropriate school.”

The statute does allow a school to transport students who reside less than one and one-half (1 ½) miles from the school when such transportation is warranted by concern for the health and safety of the students. More specific criteria related to this topic should be established in the petition, and additional guidance may be found in Idaho’s Pupil Transportation Manual, available on the SDE website (see “Safety Planning”).

If the charter school enrolls special education students who require transportation in order to attend, the charter school must provide this transportation.

There are several means by which charter schools may provide transportation services. These include:

- Contracting with their local districts
- Contracting with outside contractors
- Purchasing school buses and operating self-contained pupil transportation services

- Paying parents when transportation is not provided (in lieu of transportation) when it is economically feasible to do so.

If a charter school chooses to provide transportation services by any method other than those listed above, it may not be eligible for reimbursement of transportation costs.

## Qualifications for Bus Drivers and Other Transportation Providers

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Qualifications to be met by individuals employed by a public charter school must be defined in the petition to establish a charter school. A charter school may contract with the school district or may outsource transportation services; however, qualifications of school bus drivers should be detailed in the petition and the contract.

School bus operations are generally exempt from compliance to most Federal Motor Carrier Safety Regulations; however, Section 33-1509, Idaho Code requires compliance to specific Federal Motor Carrier Safety Administration (FMCSA) regulations. School bus operations and operators must also comply with FMCSA drug and alcohol testing (49 CFR Part 40) and FMCSA commercial driver licensing (CDL) requirements (Commercial Motor Vehicle Safety Act of 1986).

## Procedures for Financial and Programmatic Auditing Relating to Transportation Costs

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Charter schools are required to maintain and submit records and reports for purposes of reimbursement (Sections 33-1006, 33-1501 through 33-1514, 33-5205(3)(t), and 33-5208(4), Idaho Codes).

Procedural guidance is provided in Idaho’s Pupil Transportation Manual and in Standards for Idaho School Buses and Operations pertaining to: school bus inspections, route evaluations, school bus operations, personnel qualifications and oversight, contracting for transportation services, and financial reporting.

## Determining State Support of Transportation Costs

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In addition to maintaining and submitting records and submitting required forms, charter schools are subject to in-depth program reviews, fiscal audits, and reviews of annual reimbursement claims supporting documentation of each school district pupil

transportation program at a frequency adequate to ensure compliance with state law, accuracy of data and reimbursement claims, and safety of school buses (Section 33-1511, Idaho Code).

### Figuring Estimated Costs of Transportation for the First Year of Operation into the Authorized, One-Time Advance Payment

For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost. The State Department of Education will include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment the following July shall reflect reimbursements of the actual costs. However, charter schools need to be aware that transportation costs are paid in arrears. The advance payment received by the charter school will be for the first year only. When the charter school receives the final payment in July it will have been for the year just ended. Payment for the second year of operation will not be made until July of the third year. Charter schools will not continue to receive advance payments for transportation every year. Therefore, there will be a gap in payments between the advance payment prior to opening and the reimbursement payment made in July of the third year.

### Transportation Privileges and Suspension

Charter schools are subject to all applicable federal and state laws relating to suspension or expulsion. Policies and procedures adopted by charter schools for the classroom should also be followed in the transportation environment.

Rules and procedures established by the State Board of Education and the State Department of Education should be considered when adopting local policy. Also, federal and state laws, regulations, and procedural safeguards relating to Special Education, Title I Parts A and C, Alternative Placement, etc. must be incorporated into all charter school policy relating to suspension or expulsion.

### School Counseling and Student Assistance

Public schools, including public charter schools, must provide a comprehensive guidance program aligned with the Idaho Comprehensive Guidance Model. This program should address personal-social, career, and academic domains and should include classroom curriculum, individual guidance and crisis management. Charter schools serving a high percentage of at-risk students should also plan for services that provide students and parents with appropriate information needed to access community resources.

Charter school boards should develop a student assistance program in order to address a variety of student, parent and community needs. Information regarding best practices in this area can be obtained by contacting the Safe and Drug Free School Coordinator at the State Department of Education.

# Appendix

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## Definitions and Abbreviations

The definitions provided in this manual are not legal definitions. For a legal interpretation of terms included in charter school legislation and administrative rules, consult a private attorney.

**Accredited** - Schools must be accredited through Northwest Association of Accredited Schools by meeting appropriate accreditation standards.

**Administrator** - Also called a principal or director in a charter school. School administrators have met the State Board of Education approved certification requirements for principals or superintendents.

**Advanced Opportunities** - Advanced placement courses, dual credit courses, technical preparation, or International Baccalaureate® programs.

**Advanced Placement®** - The Advanced Placement Program is administered by the College Board. AP students may take one or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing.

**Alternative Assessment** - Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios.

**Appeal** - A proceeding undertaken to reverse a decision by bringing it to a higher authority.

**Assessment** - The process of quantifying, describing, or gathering information about skills, knowledge or performance.

**Assessment Standards** - Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing”; or measures of student performance.

**Authorized Chartering Entity** - As defined in Section 33-5202A(1), Idaho Code, and an authorized chartering entity may be either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission. Often called an authorizer.

**Board** - The Idaho State Board of Education.

**Charter** - Defined in Section 33-5202A(2), Idaho Code, as the grant of authority approved by the authorized chartering entity to the board of directors of the charter school. The final, approved version of a charter school petition submitted to an authorized chartering entity.

**Classified Personnel** - Personnel hired by the charter school that do non-education work. For instance, clerical, janitorial, and lunchroom staff are classified personnel.

**Commission** - The Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code.

**Criteria** - Guidelines, rules or principles by which student responses, products, or performances, are judged.

**Curriculum** - Curriculum comprises part of the educational program and standards of a school. It details what students should know and be able to do upon completion of the school’s program. Curriculum should be written for each subject and each grade level. The method(s) of instruction should also be included, as well as the type of instructional materials the school plans to use.

**Department** - The Idaho Department of Education.

**Dual Credit** - Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student’s permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus.

**Educational Program** - A charter school's educational program has many components including curriculum, curricular materials, methods of instruction, and assessment aimed at fulfilling the school's vision and goals.

**ELL** - English Language Learner. Students identified by home language survey and the statewide language proficiency test as not proficient in English language skills.

**Financial Audit** - An audit designed to address questions of accounting and reporting of financial transactions, including commitments, authorizations, and receipt and disbursement of funds. The purpose is to verify that there are sufficient controls over cash and cash-like assets and that there are adequate processes controls over the acquisition and use of resources.

**Founder** - Defined in Section 33-5202A(3), Idaho Code, as a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

**Gifted and Talented Students** - Students identified as having exceptional skills in a specific area or variety of areas and qualifying for participation in the schools gifted/talented program.

**Goals** - Goals are the overall outcomes that become part of the criteria by which the school is judged. Goals need to be specific and measurable.

**Governing Board** - The entity responsible for managing the operations of the charter school. Operations include hiring and evaluating the administrator, overseeing the budget and contracts, and developing policies. The governing board is not responsible for the day-to-day operations of the school

**IDEA** - The Individuals with Disabilities Education Improvement Act is a federal law that guarantees all eligible children with disabilities between the ages of 3

and 21 (or until the child graduates) access to a free appropriate public education designed to meet their individual needs. It provides federal funds to assist states in the education of students with disabilities and requires that states ensure the rights of children with disabilities and their parents are protected.

**LEA** - Local Education Agency

**LEP** - Limited English Proficient Students. Students identified by home language survey and the statewide language proficiency test as not proficient in English language skills.

**Learning Plan** - The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals.

**Lottery** - A drawing of lots used to determine which students will be enrolled in a charter school whose capacity is insufficient to enroll all applicants.

**Migrant Education** - Education provided for students who have moved with their parents, within the last 36 months, either between states or districts, in search of agricultural work.

**Mission** - A mission statement expresses the expected outcome of the school. It should include enough specifics to differentiate the charter from other schools.

**Non-profit Corporation** - A non-profit corporation generally exists for the purpose of benefiting society, such as charities, churches, or schools. The net income of a non-profit corporation must be used to further the goals of the corporation, not to enrich individual members, directors, or officers.

**Nutrition Programs** - Programs provided to students for breakfast and/or lunch services. Charter schools are not required to provide nutrition programs.

**Performance Assessment** - Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria.

**Performance-Based Assessment** - The measurement of educational achievement by tasks that is

similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections.

**Performance Criteria** - A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide.

**Petition** - Defined in Section 33-5202A(4), Idaho Code, a petition is means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school. Once approved, the petition becomes the school's charter.

**Petitioners** - The group of individuals who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules.

**Philosophy Statement** - Another word for "vision statement," the philosophy statement should deal with basic, underlying assumptions about education and learning. The philosophy statement forms the blueprint for the charter school and articulates the very reason to form the charter school.

**Portfolio** - A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes.

**Programmatic Audit** - A review of a charter school's programs for compliance to statutory or other legal requirements. Some programmatic auditors also evaluate the charter school's effectiveness and offer suggestions for improvement.

**Public Charter School** - Defined in Section 33-5202A(5), Idaho Code, as a school that is authorized under the Public Charter Schools Act, Title 33,

Chapter 52, Idaho Code, to deliver public education in Idaho.

**Public Meeting/Hearing** - Any meeting of the governing body of a public agency at which a quorum is present to deliberate or make a decision on any matter is open to the public; any person is permitted to attend such a meeting. Idaho state law provides that government entities will conduct their business in open meetings. The only exception is for executive sessions, which may be closed to the public in specific circumstances as authorized by statute.

**Public Records** - Public records are state records which the public has a right to examine upon request. Any document that contains information relating to the conduct or administration of the public's business which is prepared, owned, used or retained by a state agency is considered a public record and is available for the public's inspection unless it is exempt from disclosure pursuant to statute.

**Public Virtual School** - Defined in Section 33-5202A(6), Idaho Code, as a public charter school that may serve students in more than one school district and through which the primary method for the delivery of instruction to all of its pupils is through virtual distance learning or online technologies.

**Revoke** - To void or annul by recalling, withdrawing, or reversing. Under circumstances, authorized chartering entities have the authority to revoke charters.

**School Year** - Means the period beginning on July 1 and ending the next succeeding June 30 of each year.

**Special Education** - Services and education programs provided to students who qualify as a result of their individual disabilities.

**Statewide Testing** - Assessment program required by the state in order to ensure all students are making adequate progress.

**Student Learning Goals** - Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environ-

mental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills.

**Sufficiency Review** - Review of a petition by the State Department of Education to ensure that legal and educational requirements are included in the petition.

**Vision** - A charter school's vision statement should deal with basic, underlying assumptions about education and learning. The vision statement forms the blueprint for the charter school and articulates the philosophical reason to form the charter school.

**Waiting Lists** - Lists of applicants developed once a charter school's student enrollment cap has been reached. Several waiting lists may be necessary depending on the preferences set out in the charter. Waiting lists cannot be carried over from year to year.

## Useful Contacts and Websites

State Department of Education  
[www.sde.idaho.gov](http://www.sde.idaho.gov)  
208-332-6800  
800-432-4601

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Idaho Public Charter School Commission  
208-332-1583  
[chartercommission.id.gov](http://chartercommission.id.gov)

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Idaho Charter School Network  
[www.idahocharterschoolnetwork.com](http://www.idahocharterschoolnetwork.com)

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Idaho School Boards Association  
208-854-1476  
[www.idsba.org](http://www.idsba.org)

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Idaho Association of School Administrators  
208-345-1171  
[www.idschadm.org](http://www.idschadm.org)

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Secretary of State, Corporation Division  
208-334-2301  
[www.sos.idaho.gov/corp/corindex.htm](http://www.sos.idaho.gov/corp/corindex.htm)

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Social Security – State and Local  
Government Employers  
[www.ssa.gov/slge/sitemap.htm](http://www.ssa.gov/slge/sitemap.htm)

Federal Student Transportation Rules  
and Regulations  
[www.fmcsa.dot.gov/rulesregs/fmcsrhome.htm](http://www.fmcsa.dot.gov/rulesregs/fmcsrhome.htm)

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Code of Federal Regulations  
[www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html)

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Board/ Department of Education  
Administrative Rules  
<http://adm.idaho.gov/adminrules/rules/idapa08/08index.htm>

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Education Laws or Statutes  
<http://www.legislature.idaho.gov/idstat/Title33/T33.htm>

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Public Employees Retirement System  
<http://www.persi.state.id.us>

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State Board of Education  
[www.boardofed.idaho.gov](http://www.boardofed.idaho.gov)

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Idaho Tax Commission – Sales Tax Exemption Forms  
[www.tax.idaho.gov](http://www.tax.idaho.gov)

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Workers Compensation Insurance Information –  
Industrial Commission  
[www.iic.idaho.gov](http://www.iic.idaho.gov)

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United States Department of Education Websites  
Migrant Education  
[www2.ed.gov/programs/mep/index.html](http://www2.ed.gov/programs/mep/index.html)

Title 1  
[www2.ed.gov/programs/titleiparta/index.html](http://www2.ed.gov/programs/titleiparta/index.html)

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Board Source – Building Effective Non Profit Boards  
[www.boardsource.org](http://www.boardsource.org)

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National Charter School Resource Center  
[www.charterschoolcenter.org](http://www.charterschoolcenter.org)

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National Alliance for Public Charter Schools  
[www.publiccharters.org](http://www.publiccharters.org)

## Applicable Laws and Rules Governing Charter Schools

All Education Laws, Title 33:

<http://www.legislature.idaho.gov/idstat/Tittle33/T33.htm>

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All Education Rules, IDAPA 08:

<http://adm.idaho.gov/adminrules/rules/idapa08/08index.htm>

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Public Charter Schools Law, Title 33, Chapter 52, Idaho Code:

<http://www.legislature.idaho.gov/idstat/Tittle33/T33CH52.htm>

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Rules Governing Charter Schools, IDAPA 08.02.04:

<http://adm.idaho.gov/adminrules/rules/idapa08/0204.pdf>

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Rules Governing the Public Charter School Commission, IDAPA 08.03.01:

<http://adm.idaho.gov/adminrules/rules/idapa08/0301.pdf>

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## National Organizations Supportive of Charter Schools and Facility Financing

### National Council of LaRaza (NCLR)

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Raza School Building Fund

[www.razafund.org](http://www.razafund.org), 101 North 1st Avenue Suite 900  
Phoenix, AZ 85003 602-417-1400

The Raza Development Fund, Inc. (RDF) is a support corporation of the National Council of La Raza, established in 1998 as the community development lending arm of NCLR. The mission of RDF's Hope Fund is to provide flexible but high-quality loans, along with technical assistance, to entities that provide services and opportunities to low-income Latino families, a mission that is consistent with and complementary to the mission of NCLR. Since its inception, RDF has become the largest Latino Community Development Financial Institution (CDFI) in the United States.

### The Charter School Growth Fund

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350 Interlocken Boulevard, Suite 390 Broomfield, CO 80021 Phone: (303) 217-8090 Email: [info@charter-growthfund.org](mailto:info@charter-growthfund.org)

The Charter School Growth Fund (CSGF) is a philanthropic venture fund founded to significantly increase the capacity of proven educational entrepreneurs to develop and grow networks of high quality charter schools. Through its activities, CSGF is enabling the national charter sector to grow more rapidly and provide a better quality of education to many more children than is possible through the grassroots growth of single charter schools.

### LISC (Local Initiatives Support Corporation) National Headquarters

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[www.lisc.org](http://www.lisc.org) 501 Seventh Avenue New York, NY, 10018 Phone: (212) 455-9800 Fax: (212) 682-5929 Email: [info@lisc.org](mailto:info@lisc.org)

LISC supports quality public charter schools in low-income neighborhoods. To further its mission of helping community organizations transform distressed neighborhoods into healthy ones, the Local Initiatives Support Corporation (LISC) founded the EFFC in 2003 to intensify its efforts in the area of educational facilities financing. LISC's approach is three-pronged: LISC finances individual charter schools through its network of 33 local offices, supports the development of local educational facilities funds through its EFFC investments, and fosters facility finance public policy initiatives.

### The Low Income Investment Fund

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[www.liifund.org](http://www.liifund.org) Phone: (415) 772-9094 Email: [info@liifund.org](mailto:info@liifund.org)

The Low Income Investment Fund (LIIF) is a 21-year-old, nationally recognized, nonprofit, community development financial institution (CDFI). LIIF's mission is to alleviate poverty by providing capital and technical assistance to education, childcare, affordable housing, and other community revitalization projects in low-income communities. LIIF's Education Program, launched in 1998, provides the financing necessary to increase the number and sustainability of quality learning environments for children. Since 1999, LIIF has made loans for a total of \$66 million to support approximately 25,000 students.

# Sufficiency Review Cover Sheet Elements Required of a Petition to Establish a Charter School

Pursuant to the public charter school rules adopted by the Idaho State Board of Education on March 10, 2005, charter school petitioners are required to submit a draft charter school petition to the Idaho State Department of Education (SDE) for the purpose of determining whether the petition complies with statutory requirements (I.C. 33-5202). This review must occur prior to the petition being submitted to an authorized chartering entity (IDAPA 08.02.04. 200.03).

Petitioners: Complete the Cover Page and insert identifying page numbers verifying the location of each of the required elements in the petition. Arrange the petition in the Tab and order that follows. This form will provide a checklist to ensure petitions address all required elements. This form will also assist SDE and authorized chartering entities to facilitate a review of petitions in a consistent format.

Send one (1) original and one (1) electronic copy of the completed Sufficiency Review Cover Sheet and the Charter School Petition to the attention of Michelle Clement Taylor, School Choice Coordinator, [mtaylor@sde.idaho.gov](mailto:mtaylor@sde.idaho.gov):

Michelle Clement Taylor  
 School Choice Coordinator:  
 State Department of Education  
 P.O. Box 83720  
 Boise, ID 83720-0027

After a sufficiency review has been conducted by the State Department of Education the results of the review will be returned to the petitioners. The next step is to submit the petition and sufficiency review findings to an authorized chartering entity for review and consideration for approval. Completion of the sufficiency review process does not ensure approval of the charter school petition, nor does it establish that the school cannot be challenged for failure to comply with state or federal statutes, rules or regulations at some future date. The SDE does not waive its duty to enforce such laws by performing the sufficiency review.

Proposed Charter School Name:	
District Location:	
Proposed Physical Location:	
Authorized Representative:	
Address:	
Telephone:	E-Mail:
Alternative Contact:	
Address:	
Telephone:	E-Mail:
Proposed Opening Date:	
Proposed Grade Levels:	
Initial Enrollment Goal:	
Date Submitted for Review:	
Date of Review Completion:	

REQUIRED ELEMENTS	IDAHO CODE
<b>TAB 1</b>	
Include a copy of the Articles of Incorporation, file-stamped by Idaho Secretary of State's Office.	33-5204(1)
Page number	
Include a copy of the signed bylaws adopted by the board of directors of the non-profit corporation.	33-5204(1) 30-3-21(1)
Page number	
Include copies of the Elector petition forms to establish a charters school with no fewer than 30 signatures of qualified electors of the attendance area designated in the petition and proof of elector qualifications.	33-5205(1)(a) 33-5205(3)
Page number	
Include documentation of application for nonprofit status.	33-5204(1)
Page number	
Include proof of attendance at the Charter Start! 101 Workshop presented by the Idaho State Department of Education	33-5205(5)
Page number	
Vision and Mission Statements	
Page number	
<b>TAB 2</b>	
Describe the proposed operation and potential effects of the school, including, but not limited to: a. Location and attendance area of school b. facilities to be utilized by the school; c. the manner in which administrative services of the school are to be provided; and d. the potential civil liability effects upon the school and its chartering entity.	33-5205(4)
Page number	
Commitment to secure property and liability insurance. Errors and Omissions insurance is not required by statute but is recommended.	33-5204(4)
Page number	
<b>TAB 3</b>	
Describe the school's educational program and goals. Describe how the goals will be measured and the related data that will be collected. Include how each of the education thoroughness standards as defined in Idaho Code Section 33-1612 shall be fulfilled.	33-5205(3) (a) 33-1612
Page Number	
Describe what it means to be an "educated person" in the 21st century.	33-5205(3)(a)
Page Number	
Explain how learning best occurs.	33-5205(3)(a)
Page Number	
Describe the manner by which special education services will be provided to students who are eligible for such services pursuant to the federal Individuals with Disabilities Education Act, to include a disciplinary procedure for such students.	33-5205(3)(q)
Page Number	
Describe the school's plan for working with parents who have students who are dually enrolled. Include the manner by which eligible students from the public charter school shall be allowed to participate in dual enrollment in non-charter schools within the same district as the public charter school, as provided for in Idaho Code Section 33-203(7).	33-5205(3)(r) 33-203(7)

REQUIRED ELEMENTS	IDAHO CODE
Page Number	
Describe the manner in which gifted and talented students will be served.	33-2003
Page Number	
Describe the manner in which Limited English Proficiency services will be provided.	
Page Number	
<b>TAB 4</b>	
Identify measurable student educational standards that describe the extent to which all students of the charter school will demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.	33-5205(3)(b)
Page Number	
Identify the method by which student progress is to be measured in meeting the school's student educational standards.	33-5205(3)(c)
Page Number	
Describe how the school's students will be tested with the same standardized tests as other Idaho public school students.	33-5205(3)(d)
Page Number	
Describe the plan for the middle level credit and advancement requirements.	08.02.03.107
Page Number	
Describe how the school will ensure that it shall be accredited as provided by rule of the Idaho State Board of Education.	33-5205(3)(e) 33-5210(4)(b)
Page Number	
Describe the school's plan if it is ever identified as an "in need of improvement" school as outlined in the No Child Left Behind Act.	
Page Number	
<b>TAB 5</b>	
Describe the governance structure of the school, including, but not limited to, the person or entity that shall be legally accountable for the operation of the school.	33-5205(3)(f)
Page Number	
Describe the process to be followed by the school to ensure parental involvement	33-5205(3)(f)
Page Number	
Describe the manner in which an annual audit of financial and programmatic operations will be conducted.	33-5205(3)(k) 33-5206(7) 33-5210(3)
Page Number	
<b>TAB 6</b>	
Describe the qualifications to be met by individuals employed by the school. Instructional staff must be certified teachers pursuant to rule of the state board of education.	33-5204A (1) 33-5205(3)(g) 33-5210(4)(a)
Page Number	
Describe the transfer rights of any employee choosing to work in a charter school that is approved by the board of trustees of a school district, and the rights of this employee to return to any non-charter school in the same district.	33-5205(3)(o) 33-1217
Page Number	

<b>REQUIRED ELEMENTS</b>	<b>IDAHO CODE</b>						
<p>Include a provision that ensures all staff members will be enrolled in and covered by all of the following:</p> <table border="0"> <tr> <td>Public Employee Retirement System (PERSI)</td> <td>Unemployment Insurance</td> </tr> <tr> <td>Federal Social Security</td> <td>Health Insurance</td> </tr> <tr> <td>Worker's Compensation Insurance</td> <td></td> </tr> </table>	Public Employee Retirement System (PERSI)	Unemployment Insurance	Federal Social Security	Health Insurance	Worker's Compensation Insurance		33-5205(3)(m)
Public Employee Retirement System (PERSI)	Unemployment Insurance						
Federal Social Security	Health Insurance						
Worker's Compensation Insurance							
Page Number							
Include a provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.	33-5205(3)(p)						
Page Number							
Include a provision that ensures all teachers and administrators will be on a written contract as approved by the state superintendent, conditioned up a valid certificate being held by such professional personnel at the time of entering upon the duties.	33-5206(4)						
Page Number							
Include a provision that ensures all employees of the school undergo a criminal history check.	33-5210(4)(d) 33-130 33-512						
Page Number							
<b>TAB 7</b>							
Describe admission procedures, include a provision for over-enrollment, and equitable selection processes for the initial year, as well as subsequent years of operation. Include enrollment capacity of the charter school.	33-5205(3)(j)						
Page Number							
Describe how waiting lists will be developed and renewed annually.	33-5205(3)(j)						
Page Number							
Describe the public school attendance alternative for students residing within the school district who choose not to attend the public charter school.	33-5205(3)(n)						
Page Number							
Describe the process by which citizens residing in the compact and contiguous attendance area of the charter school will be made aware of enrollment opportunities.	33-5205(3)(s)						
Page Number							
<p>Describe the school's plan for denial of attendance to any student who is or has been:</p> <ul style="list-style-type: none"> <li>• An habitual truant,</li> <li>• Incurable,</li> <li>• Deemed by the board of trustees to be disruptive of school discipline or instructional effectiveness,</li> <li>• Detrimental to the health and safety of the other students, or</li> <li>• Expelled from any other school district or state.</li> </ul>	33-5205(3)(i) 33-205 33-206						
Page Number							
Describe the school's disciplinary procedures, including the procedure by which students may be suspended, expelled and reenrolled.	33-5205(3)(l) 33-210						
Page Number							
Describe the school's policy for contacting law enforcement and student's parents, legal guardians or custodian regarding a student reasonably suspected of using or being under the influence of alcohol or a controlled substance. Include the plan for making the policy available to each student, parent, guardian or custodian.	33-210(3)						
Page Number							

REQUIRED ELEMENTS	IDAHO CODE
Describe the procedures the school will follow to ensure the health and safety of students and staff.	33-5205(3)(h)
Page Number	
Describe the school's policy for a suicide prevention plan.	08.02.03.160
Page Number	
Describe the school's policy for Internet access and use and provisions for parental permission related to student Internet use.	33-131(1)
Page Number	
Include a student handbook that describes the school rules. Also include the procedure for ensuring a student's parent or guardian has access to the handbook.	
Page Number	
<b>TAB 8</b>	
A detailed business plan including: <ul style="list-style-type: none"> <li>• Business description</li> <li>• Marketing plan</li> <li>• Management plan</li> <li>• Resumes of the directors of the nonprofit corporation</li> <li>• School's financial plan</li> <li>• Start-up budget with assumptions form</li> <li>• Three year operating budget form</li> <li>• First year month-by-month cash flow form</li> </ul>	
Page Number	
Describe the school's proposal for transportation services. Note: The budget should reflect estimated costs.	33-5205(3)(t) 33-5208(4)
Page Number	
Describe the school's proposal for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made	
Page Number	
<b>TAB 9 – VIRTUAL SCHOOLS – DO NOT COMPLETE THIS SECTION IF THE SCHOOL IS NOT A VIRTUAL SCHOOL.</b>	
If the petition is for a virtual school, describe how the school meets the definition of a virtual school.	33-5202A(6)
Page Number	
Describe the learning management system by which courses will be delivered	33-5205(6)(a)
Page Number	
Describe the role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed	33-5205(6)(b)
Page Number	
Describe the plan for the provision of professional development specific to the public virtual school environment.	33-5205(6)(c)
Page Number	
Describe the means by which the students will receive appropriate teacher-to-student interaction, including timely, frequent feedback about student progress.	33-5205(6)(d)
Page Number	

REQUIRED ELEMENTS	IDAHO CODE
Describe the means by which the school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards.	33-5205(6)(e)
Page Number	
Describe the plan for technical support relevant to the delivery of online courses.	33-5205(6)(f)
Page Number	
Describe the means by which the school will provide opportunity for student-to-student interaction.	33-5205(6)(g)
Page Number	
Describe the plan for ensuring equal access to all students, including the provisions of necessary hardware, software, and internet connectivity required for participation in online coursework.	33-5205(6)(g)
Page Number	
Describe how the school will provide services for all special education students that are located throughout the attendance area.	
Page Number	
<b>TAB 10</b>	
Describe any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations. This includes curriculum, special education, transportation, food service, legal, and accounting.	
Page Number	
Describe the school's plan for termination of the charter by the board of directors, to include: <ul style="list-style-type: none"> <li>• Identification of who is responsible for dissolution of the charter school;</li> <li>• A description of how payment to creditors will be handled;</li> <li>• A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and</li> <li>• A plan for the disposal of the public charter school's assets, including those purchased with Federal funds.</li> <li>• A procedure for transferring personnel records to the employees.</li> </ul>	5205 (3) (u) 5206 (8)
Page Number	
<b>TAB 11 – PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS -DO NOT COMPLETE THIS SECTION IF THE SCHOOL IS NOT A VIRTUAL SCHOOL.</b>	
If the petition is for a Professional-Technical Regional Public Charter School (PTRPCS), describe how the school meets the definition of a professional-technical regional public charter school.	33-5202A(5)
Page Number	
Describe the school districts the PTRCS will be operating in association with; at least two are required, but they do not need to be contiguous.	33-5202A(5)
Page Number	
Describe the plan for the following: <ul style="list-style-type: none"> <li>• contracting for services of certificated and non-certificated personnel</li> <li>• procuring the use of facilities and equipment</li> <li>• purchasing materials and equipment</li> <li>• providing transportation</li> </ul>	33-5215(b)

## Readiness Self –Assessment

### Early Considerations

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Have we considered all existing avenues for education reform provided by local district and state law?

Have we discussed our mission with our district, school staff, administrators, community, and parents?

Have we established working relationships with administrators and board members in our local school district?

Have we thoroughly researched and do we understand Idaho's charter school laws and rules?

Have we explored all avenues by which to avoid the two most common pitfalls faced by new charter schools: inadequate financial resources and inability to provide fully compliant special education services?

### Governance and Finances

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Have we established a structure for our charter school board and filled all positions with qualified individuals?

Have we ensured our charter school board has abundant access to financial and legal expertise as applied to public schools?

Have we adopted internal financial and accounting controls?

Have we prepared a reasonable, through budget that includes a list of any assumptions made regarding our revenue and expenditures?

Have we obtained quotes for property, liability, and workers compensation insurance?

Have we developed a plan for board elections and board succession?

Have we developed a policy manual for the oversight of the school?

### Staffing

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Have we defined our charter school's organization structure, including clear lines of authority and responsibility?

Have we determined the number of teachers we will need and developed positions descriptions for teachers and other staff members?

Have we defined the expertise and qualifications our staff must possess?

Have we developed a plan for staffing our special education program?

Have we planned for on-going teacher training, especially if our proposed mission centers on innovative curriculum or teaching methods?

### Curriculum and Instruction

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Have we planned a curriculum consistent with our proposed mission?

Have we budgeted for all of the required curriculum materials?

Have we mapped out an education program that includes specific, measurable goals for student achievement?

Have we developed a comprehensive special education program that complies with all applicable state and federal laws?

Have we defined our strategy for measuring and reporting student progress, and for administering all state-mandated assessments?

### Operations

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Have we developed a detailed, financially feasible plan for student transportation, including transportation for special needs students?

Have we developed a detailed, financially feasible plan for our nutrition program?

### Facilities

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Have we located a temporary and/or permanent site for our charter school?

Have we obtained detailed cost estimates for all possible site preparation and remodeling necessary for our charter school?

Have we considered all improvements necessary for compliance with the Americans with Disabilities Act?

Have we researched all relevant zoning laws and ordinances?

Have we reviewed our petition to ensure it is free of errors and assembled in a manner that will be easy to read and review?

### Petition Format

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Have we included all elements of a petition required by Idaho Code Section 33-5205 in our petition?

If we are submitting our petition to the Public Charter School Commission, have we assembled our petition in the format required by IDAPA 08.03.01 Section 401?

## Sample Authorizer Questions

Petitioners and authorizers need to establish a good working relationship. While the petitioners have been working on their petition for months, this may be the first time the authorizers have seen the petition. Because of this, the questions asked by the authorizer may seem tedious. It is important for the petitioners to answer questions as thoroughly as possible and with respect to the members of the authorizing chartering entity.

Below are sample questions authorizers may ask during the initial presentation or the review process.

- Please provide a brief biography of yourself and the board.
- Describe the expertise on the board as it relates to governing a charter school. For instance: does the board have an accountant, business owner, attorney, teachers (retired or not), someone with real estate experience, someone with experience working with government entities, etc?
- Why do you want to open a charter school?
- Describe the mission and vision of the charter school.
- What were the results of the Sufficiency Review from the State Department of Education?
- What changes did you make to the petition based on the Sufficiency Review?
- Is there consensus between the board and our staff about the content of the petition? Please explain any outstanding issues – if any.
- Discuss the curriculum you plan on using.
- Will it be purchased or developed by the team?
- If it is purchased, what is the name of the company? Describe your experience with this curriculum.
- Tell us more about the curriculum and how it will be delivered.
- What are other schools/districts that are using the same curriculum?
- What data is available about the success of the curriculum? Can you supply that data to this group?
- Describe the school facility plan.
- Where will the charter school be located?
- Do you have a permanent facility or will you be leasing?
- If it is not a permanent facility what are the long term plans for a facility?
- How have you accounted for remodeling and/or improvements in the budget?
- Has the land or building been donated? If so, are there any requirements or restrictions associated with it?
- Describe the transportation plans for the students.
- What plans do you have related to special education students that require transportation?
- Describe the food service plans for the students.
- Will you be providing lunch for any of them?
- What, if any, preferences will you be using for enrolling students? Do the preferences meet the requirements set out in Idaho Code?
- Describe the plans for Special Education students.
- Do you have a separate classroom for those students?
- Describe any plans you have for contracting services such as financial, transportation, lunch, special education, counseling, or building maintenance.
- Have you contacted the entities with whom you plan to contract?
- What is the teacher to student ratio?
- When will you be hiring the administrator and teachers?
- What other charter schools in the attendance area/district?
- How will you differentiate yourself from schools of the same grade levels?
- How many students do you expect in the first year?
- What adjustments can you make in the budget if you don't meet the expected enrollment?
- What is the enrollment capacity?
- What grades will you start with?
- What are the plans for the long-term growth of the school – including the addition of grades?
- Review the budget for us.
- Why do you feel it is realistic?
- What assumption you have used in the budget? For example, have materials or services been donated, what grant money have you included?
- What other charter school budgets have you reviewed? Do those schools have similar student populations and programs as the school?

- What extra curricular activities will you provide?
- Describe the working relationship with our staff (the authorizer).
- Describe the working relationship with the local school district.
- Have you read and do you understand the laws and rules governing charter schools in Idaho?

Charter School  
Annual Budget Template

	Year 1			Year 2			Year 3		
	Number	Rate	Amount	Number	Rate	Amount	Number	Rate	Amount
Number of Students	400			425			450		
<b>Revenues:</b>									
State Apportionment		\$ 4,400	\$1,760,000		\$ 4,400	\$1,870,000		\$ 4,400	\$1,980,000
State Transportation		85%	204,000		85%	216,750		85%	229,500
Nutrition Program	\$ 60		24,000	\$ 60		25,500	\$ 60		27,000
Federal Grants									
Contributions/Donations									
Insert Revenue Lines Here									
<b>Total Revenues</b>			\$1,988,000			\$2,112,250			\$2,236,500
<b>Expenses:</b>									
<u>Salaries:</u>					3.0%			3.0%	
Teachers	\$ 40,000	3	\$120,000	\$ 41,200	4	\$164,800	\$ 42,440	5	\$212,200
Special Ed	\$ 35,000	2	70,000	\$ 36,050	2	72,100	\$ 37,130	3	111,390
Instructional Aids	\$ 30,000	2	60,000	\$ 30,900	2	61,800	\$ 31,830	3	95,490
Classified/Office Staff	\$ 25,000	5	125,000	\$ 25,750	5	128,750	\$ 26,520	5	132,600
Administration	\$ 45,000	4	180,000	\$ 46,350	4	185,400	\$ 47,740	4	190,960
Nutritional Program	\$ 42,000	1	42,000	\$ 43,260	1	43,260	\$ 44,560	2	89,120
Librarian	\$ 45,000	1	45,000	\$ 46,350	1	46,350	\$ 47,740	1	47,740
Maintenance/Other	\$ 28,000	3	84,000	\$ 28,840	3	86,520	\$ 29,710	4	118,840
Insert Revenue Lines Here									
<b>Total Salaries</b>			\$726,000			\$788,980			\$998,340
<u>Benefits:</u>									
Retirement/PERSI	15.0%		\$108,900	15.0%		\$118,350	15.0%		\$149,750
Health/Life Insurance	8.0%		58,080	8.0%		63,120	8.0%		79,870
Payroll Taxes	8.0%		58,080	8.0%		63,120	8.0%		79,870
Workers Compensation	6.0%		43,560	6.0%		47,340	6.0%		59,900
Insert Revenue Lines Here									
<b>Total Benefits</b>			\$268,620			\$291,930			\$369,390
<u>Operating Expenses:</u>									
Textbooks	\$ 25.00		\$10,000	\$ 26.50		\$11,260	\$ 28.00		\$12,800
Supplies			\$14,000			\$14,000			\$14,000
Equipment			\$5,000			\$5,000			\$5,000
Contract Services			\$10,000			\$10,000			\$10,000
Legal			\$11,000			\$11,000			\$11,000
Accounting			\$5,500			\$5,500			\$5,500
Advertising/Marketing			\$3,000			\$3,000			\$3,000
Gas/Electric			\$31,000			\$31,000			\$31,000
Telephone			\$2,500			\$2,500			\$2,500
Liability & Property Insurance			\$8,000			\$8,000			\$8,000
Testing & Assessment			\$5,500			\$5,500			\$5,500
Staff Development			\$20,000			\$20,000			\$20,000
Consulting			\$42,000			\$42,000			\$42,000
Travel			\$9,000			\$9,000			\$9,000
Postage			\$1,000			\$1,000			\$1,000
Rents and Leases			\$300,000			\$300,000			\$300,000
Debt Retirement			\$150,000			\$140,000			\$130,000
Grounds & Maintenance			\$6,000			\$6,000			\$6,000
Miscellaneous			\$1,000			\$1,000			\$1,000
Insert Revenue Lines Here									
<b>Total Operating Expenses</b>			\$634,500			\$625,760			\$617,100
<u>Program Expenses:</u>									
Transportation	\$ 600		\$240,000	\$ 600		\$255,000	\$ 600		\$270,000
Nutrition Program	\$ 75		30,000	\$ 75		31,880	\$ 75		33,750
Insert Revenue Lines Here									
<b>Total Benefits</b>			\$270,000			\$286,880			\$303,750
<b>Total Expenses</b>			\$1,899,120			\$1,993,550			\$2,288,580
<b>Net Operating Income/(Loss)</b>			\$88,880			\$118,700			-\$52,060
<b>Beginning Fund Balance</b>			0			88,880			207,580
<b>Ending Fund Balance</b>			88,880			207,580			155,500