

CHARTER SCHOOL PERFORMANCE CERTIFICATE

This Performance Certificate (“Certificate”) is executed on **April 14, 2022**, by and between the Idaho Public Charter School Commission (the “Authorizer”) and **American Heritage Charter School, Inc.** (the “Charter Holder”) for the purpose of operating **American Heritage Charter School** (the “School”), an independent public school organized as an Idaho nonprofit corporation and established under the Public Charter Schools Act of 1998, Idaho Code section 33-5201 *et seq.*, as amended (the “Charter Schools Act”).

RECITALS

WHEREAS, the **Charter Holder** is a non-profit entity incorporated with a board of directors; and

WHEREAS, on **August 7, 2012** the Authorizer approved the Charter Holder’s new charter school petition; and

WHEREAS, on **February 7, 2017**, the Authorizer renewed the School’s charter for a five-year term of operations to begin July 1, 2017 and end on June 30, 2022 with no conditions; and

WHEREAS, on **February 11, 2022**, the Authorizer renewed the School’s charter for a subsequent five-year term of operations to begin July 1, 2022 and end on June 30, 2027 with no conditions;

NOW THEREFORE in consideration of the foregoing recitals and the mutual understandings contained herein, the Authorizer and the **Charter Holder** agree as follows:

SECTION 1: TERMS OF AUTHORIZATION

- A. Establishment of School.** The Charter Holder is hereby authorized to implement at the School the program described in the Charter, attached to this Certificate as Appendix B and incorporated herein by this reference. Any significant changes to any section of the Charter, including the educational program, facilities plan, financial plan, or the management plan, during the School’s pre-operational period or first operational term shall be treated as an amendment in accordance with the Authorizer’s policy.
- B. Term of Agreement.** The School’s operational term shall be from July 1, **2022** and end on June 30, **2027**. Subsequent terms of operation may be issued by the Authorizer in accordance with Idaho Code and Authorizer policy.

SECTION 2: EDUCATIONAL PROGRAM

- A. School Mission.** The mission of the School is as follows:
At American Heritage Charter School, our mission is to create patriotic and educated leaders. We believe in James Madison’s statement that, “The advancement and diffusion of knowledge is the only guardian of true liberty.”
- B. Grades Served.** The School may serve students in grades **Kindergarten** through **12**.

- C. Design Elements.** The School shall implement and maintain the following essential design elements of its educational program:
- i. The School shall focus on patriotic American values through daily teaching of the American Heritage Curriculum, fostering a service centered and civic-minded culture, emphasizing American exceptionalism as founded upon our Constitution and Bill of Rights, and helping students to understand how to access the American Dream by requiring age appropriate money management, entrepreneurship, and free market capitalism education K-12. This shall be verified by student learning portfolios.
 - ii. The School shall build a culture of respect by providing a controlled disciplinary environment, requiring students and staff to adhere to dress code, exhibiting and expecting exemplary behavior from students and staff, and implementing the character education program in the American Heritage Curriculum. This shall be verified by the amount of referrals sent to the office for citations and refocus forms.
 - iii. The School shall provide a rigorous academic education by requiring the Core Knowledge Curriculum K-8, and requiring that graduation with honors from AHCS will require coursework in history, social studies and economics above and beyond the state's graduation requirements. This shall be verified by student learning portfolios.
 - iv. The School shall support teacher growth and excellence. This shall be verified by the school's professional development schedule.
- D. Standardized Testing.** Students of the School shall be tested with the same standardized tests as other Idaho public school students.
- E. Accreditation.** The School shall be accredited as provided by rule of the State Board of Education. The School shall be accredited or appropriately credentialed by Cognia. All reports issued to the School from the accrediting agency shall be submitted to the Authorizer within five days of receipt.

SECTION 3: SCHOOL GOVERNANCE

- A. Governing Board.** The School shall be governed by a non-profit board of directors (the "Board") incorporated by the Charter Holder. The Board shall serve as public agents authorized by the Authorizer, in a manner that is consistent with the terms of this Certificate, so long as such provisions are in accordance with state and federal laws, rules and regulations. The Board shall have final authority with respect to the School's operation, and shall have the responsibility of overseeing academic achievement, financial stability, and operational management of the School. The Charter Holder shall also be responsible for maintaining and enforcing a compliant Board and providing overall Board stewardship for the School.
- B. Articles of Incorporation and Bylaws.** The articles of incorporation and bylaws of the Charter Holder shall provide for governance of the operation of the School as a nonprofit corporation and a public charter school, and shall at all times be consistent with all applicable laws, rules, regulations, and this Certificate. The Charter Holder shall notify the Authorizer of any modification to the articles of incorporation or bylaws within five business days of approval by the Charter Holder.
- C. Charter Board Composition.** The composition of the Board shall at all times be determined by and consistent with the articles of incorporation and bylaws, and all applicable laws, rules,

regulations, and policies. The Charter Holder shall notify the Authorizer of any changes to its composition and provide an amended School Leadership Roster within five business days of it taking effect.

SECTION 4: AUTHORIZER ROLE AND RESPONSIBILITIES

- A. Oversight Allowing Autonomy.** The Authorizer’s role shall be to evaluate the School’s performance outcomes according to this Certificate and the Performance Framework, and shall be to provide compliance oversight. The Authorizer shall comply with the provisions of the Charter Schools Act and the terms of this Certificate in a manner that does not unduly inhibit the autonomy of the School.
- B. Charter School Performance Framework.** The Charter School Performance Framework (“Performance Framework”) is attached and incorporated into this agreement as Appendix A. The Performance Framework shall be used to annually evaluate the School’s academic achievement, Board stewardship, operational management, and financial stability. The specific terms of the Performance Framework are determined by the Authorizer and shall be binding on the School.
- C. Identified Comparison Group.** For purposes of evaluating the School against the metrics and measures established in the Performance Framework, the School’s comparison group shall be identified as described below and shall be established for the length of the Certificate term.
 - i. The School’s comparison group shall include all schools in the following school district: **Idaho Falls (091)**.
- D. Authorizer to Monitor School Performance.** The Authorizer shall monitor and report on the School’s progress in relation to the indicators, measures, metrics, and targets set out in the Performance Framework. A formal report of the School’s academic, financial, and operational performance (“Performance Report”) shall be provided to the school and the public by the Authorizer annually. Data necessary to conduct this evaluation will be collected throughout the year. Additional reviews may be necessary if compliance concerns arise.
- E. School Performance.** The School shall meet standard on all measures of the Performance Framework. The Authorizer shall renew any charter in which the School met all the terms of its Certificate, including all appendices, at the time of renewal.
- F. Performance Framework as Basis for Renewal of Charter.** The School’s performance in relation to the Performance Framework, as reported in the annual Performance Report issued by the Authorizer to the Charter Holder, shall provide the basis upon which the Authorizer shall decide whether to renew the School’s Charter at the end of the Certificate term. The School’s Performance Framework includes mission-specific measures, agreed to by the School and the Authorizer, and are incorporated in the Performance Framework.
- G. Required Reports.** The School shall prepare and submit reports as required by the Authorizer’s policy.
- H. Authorizer’s Right to Review.** The Authorizer maintains the right to request and review additional documentation if such becomes necessary in the course of regular oversight duties or to investigate the validity of a compliance concern. The Authorizer shall conduct its reviews in a manner that does not unduly inhibit the autonomy granted to the School.
- I. Site Visits.** The Authorizer may conduct site visits in accordance with the Authorizer’s policy.

Reports from any site visit shall be made available to the School and shall be included in the School's annual Performance Report.

SECTION 5: SCHOOL OPERATIONS

- A. In General.** The School and the Charter Holder shall operate at all times in accordance with all federal and state laws, rules, regulations, local ordinances, and Authorizer policies applicable to public charter schools.
- B. Maximum Enrollment.** The maximum number of students who may be enrolled in the School, across all programs, shall be 690.
- C. Equitable Enrollment Procedures.** The School shall make student recruitment, admissions, enrollment, and retention decisions in a nondiscriminatory manner and without regard to race, color, creed, national origin, sex, marital status, religion, ancestry, disability or need for special education services. In no event may the School limit admission based on race, ethnicity, national origin, disability, gender, income level, athletic ability, or proficiency in the English language. If there are more applications to enroll in the School than there are spaces available, the School shall select students to attend using a random selection process that shall be publicly noticed and open to the public.
- i. **Calendar.** The School shall operate on a traditional nine-month calendar in which the last day of the regular term shall fall on or before June 30; and
 - ii. The School will not offer a summer school session for the purpose of acceleration and/or credit recovery.
- D. School Facilities.** The School shall operate at the following location(s): 1736 S 35th W, Idaho Falls, ID 83402. The School shall provide the Authorizer with facilities documentation, including occupancy permits, fire marshal reports, building inspection reports, and health department reports for any facility newly occupied by the School, and any remodeling or construction project for which such documentation is necessary in accordance with Authorizer policy and in accordance with law, rule, regulations, and authorizer policy.
- E. Attendance Area.** The School's primary attendance area shall be used for the purposes of determining applicability of this enrollment preference category.
- i. The School's primary attendance areas is as follows: Idaho Falls School District 91.
- F. Staff.** Instructional staff shall be certified as provided by rule of the State Board of Education. All full-time staff members of the School shall be covered by the Public Employee Retirement System of Idaho, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.
- G. Alignment with All Applicable Law.** The School shall comply with all applicable federal and state laws, rules, and regulations. In the event any such laws, rules, or regulations are amended, the School shall be bound by any such amendment upon the effective date of said amendment.

SECTION 6: SCHOOL FINANCE

- A. General.** The School shall comply with all applicable financial and budget laws, rules, regulations, and financial reporting requirements, as well as the requirements contained in the School's Performance Framework.
- B. Financial Controls.** At all times, the Charter Holder shall ensure that the School maintains

appropriate governance, managerial procedures, and financial controls, which shall include, but not be limited to: (1) commonly accepted accounting practices and the capacity to implement them; (2) a checking account; (3) adequate payroll procedures; (4) procedures for the creation and review of monthly and quarterly financial reports, which procedures shall specifically identify the individual who will be responsible for preparing such financial reports in the following fiscal year; (5) internal control procedures for cash receipts, cash disbursements and purchases; and (6) maintenance of asset registers and financial procedures for grants, all in accordance with state and federal laws, rules, regulations, and Authorizer policy.

- C. Financial Audit.** The School shall submit audited financial statements from an independent auditor to the Authorizer no later than November 1 of each year.
- D. Annual Budgets.** The School shall adopt a budget for each fiscal year, prior to the beginning of the fiscal year. The budget shall be in the Idaho Financial Accounting Reporting Management Systems (IFARMS) format or any other format as may be reasonably requested by the Authorizer.

SECTION 7: TERMINATION, NON-RENEWAL AND REVOCATION

- A. Relinquishment.** Should the Charter Holder choose to relinquish its Charter before the expiration of this Certificate, it may do so upon written notice to the Authorizer. In such a case, the Authorizer's closure protocol shall begin immediately following written notification.
- B. Nonrenewal.** The Authorizer may non-renew the Charter at the expiration of the Certificate if the School failed to meet one or more of the terms of its Certificate, including the Performance Framework. The Charter Holder may appeal a decision to non-renew directly to the State Board of Education.
- C. Revocation.** The School's Charter may be revoked as provided by Idaho Code section 33-5209C. In such an event, the Authorizer shall consider whether to revoke the School's Charter at its next regularly scheduled meeting. The decision shall be made at that time. The Charter Holder may appeal a decision to revoke directly to the State Board of Education.
- D. Closure.** The Authorizer's closure protocol shall begin immediately after a decision to relinquish is made by the Charter Holder, or a decision to revoke or non-renew or is made by the Authorizer. Closure protocol shall begin regardless of whether the Charter Holder appeals the decision. In the event that closure protocol begins, the School shall cease operations no later than the following June 30. Closure protocol shall only cease if the State Board of Education overturns the Authorizer's decision.

SECTION 8: MISCELLANEOUS

- A. No Employee or Agency Relationship.** None of the provisions of this Certificate will be construed to create a relationship of agency, representation, joint venture, partnership, ownership, or employment between the Authorizer and the School.
- B. Additional Services.** Except as may be expressly provided in this Certificate, as set forth in any subsequent written agreement between the School and the Authorizer, or as may be required by law, neither the School nor the Authorizer shall be entitled to the use of or access to the services, supplies, or facilities of the other.
- C. No Third-Party Beneficiary.** This Certificate shall not create any rights in any third parties, nor

shall any third party be entitled to enforce any rights or obligations that may be possessed by either party to this Certificate.

- D. Amendment.** This Certificate may be amended by agreement between the School and the Authorizer in accordance with Authorizer policy. All amendments must be in writing and signed by the School and the Authorizer.

IN WITNESS WHEREOF, the Authorizer and the Charter Holder have executed this Performance Certificate to be effective **April 14, 2022.**


Alan L. Reed (Apr 21, 2022 15:52 MDT)

Apr 21, 2022

Chairman
Idaho Public Charter School Commission


Deby Inger (Apr 21, 2022 11:26 MDT)

Apr 21, 2022

Chairman
American Heritage Charter School, Inc. Governing Board

Appendix A: Performance Framework

Appendix B: Charter