

**BEFORE THE PUBLIC CHARTER SCHOOL COMMISSION
STATE OF IDAHO**

In the Matter of the Charter Renewal for:

Case No. 21-52511

IDAHO VIRTUAL HIGH SCHOOL, DBA
RICHARD MCKENNA CHARTER SCHOOL

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND FINAL ORDER**

INTRODUCTION AND PROCEDURAL HISTORY

1. This matter came for hearing before the Idaho Charter School Commission (“Commission”) on February 11, 2022. The hearing concerned whether to renew, renew with conditions, or nonrenew the charter held by IDAHO VIRTUAL HIGH SCHOOL, dba RICHARD MCKENNA CHARTER SCHOOL (“RMCS”) pursuant to Idaho Code section 33-5209B. The hearing was conducted in person in the West Conference Room of the Joe R. Williams Building, located at 700 W. State Street, Boise, Idaho. All members of the Commission were present. Chairman Alan Reed presided over the hearing. Scott Marotz of Anderson Julian & Hull, LLP represented RMCS. Deputy Attorney General Rachel Kolts represented Commission Staff.

2. The parties offered documentary evidence, as follows: Commission Staff offered Exhibits A through Q and RMCS offered Exhibits 1 through 16. Prior to the hearing, the parties stipulated to the admission of all exhibits; however, RMCS withdrew Exhibit 2 and Exhibit 8. In addition, RMCS filed a Preliminary Statement with the Commission prior to hearing. The Commission also received public comment in the form of letters; the letters were not admitted into the record. The following witnesses provided testimony at the hearing:

On behalf of Commission Staff:

Jenn Thompson, Director of the Idaho Charter School Commission

On behalf of RMCS:

Dennis Wilson, Administrator, RMCS

Kimberly Flick, Special Education Teacher and Academic Advisor, RMCS

Keelie Campbell, Part-time Online Teacher, RMCS

Kelly Harwood, Teacher, RMCS
Margarete Warren, RMCS Board Chair

3. At the conclusion of the hearing, the Commission carefully reviewed and considered the testimony and materials presented by the parties, and orally voted on a resolution of this matter. Pursuant to Idaho Code section 33-5209B(7)(c), this written Order memorializes the Commission's decision in this matter.

FINDINGS OF FACT

4. RMCS serves approximately 600 students, and offers an on-site K-12 program, a virtual 9-12 high school, and a virtual 9-12 alternative high school.

5. The Commission initially granted RMCS a Charter School Performance Certificate on February 7, 2017, which authorized RMCS to operate as a public charter school in Idaho for a term of five years. RMCS filed a Charter Renewal Application in or around late 2021. Ex. E.

6. On November 15, 2021, the Director of the Idaho Public Charter School Commission ("Director") sent RMCS a Notice and Acknowledgment of Commission Director's Recommendation for Renewal of Charter with Conditions ("November Recommendation"). Ex. 1. The November Recommendation recommended that RMCS's charter be renewed subject to five conditions. Ex. 1 at 2-4, 7-9. In addition, the November Recommendation informed RMCS that it must either accept the Director's recommendation as presented or request a hearing by no later than December 15, 2021. Ex. 1 at 1.

7. On December 2, 2021, the Director issued a *revised* Notice and Acknowledgment of Commission Director's Recommendation for Renewal of Charter with Conditions ("Revised Recommendation") following discussions between Commission Staff and RMCS. Ex. C. The Revised Recommendation again recommended that RMCS's charter be renewed subject to the

same five conditions as previously noted, but that Conditions 2 through 4 be due in 2024 instead of 2023. *See Ex. C at 2-4.*

8. On December 15, 2021, RMCS notified Commission Staff that it did not agree with any of the five conditions recommended by the Director in the Revised Recommendation and requested an administrative hearing. *See Ex. D.*

9. Pursuant to written notice, on February 11, 2022, an evidentiary hearing was held before the Commission.

10. Director Thompson testified as to the reasons behind the Revised Recommendation.

11. Ms. Campbell, Ms. Flick, Administrator Wilson, RMCS Chairperson Warren, and Ms. Harwood testified to the reasons why RMCS objected to the conditions recommended by the Director, and why RMCS's programs' performance is not accurately reflected in the Commission's performance measures.

CONCLUSIONS OF LAW

12. The Commission has the authority and discretion to renew the charter held by RMCS with conditions, pursuant to Idaho Code section 33-5209B(1); and Rules Governing Public Charter Schools, IDAPA 08.02.04 *et seq.*

13. After deliberations, the Commission voted to renew RMCS's charter with the conditions set out below.

FINAL ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, IT IS ORDERED that the charter held by IDAHO VIRTUAL HIGH SCHOOL, dba

RICHARD MCKENNA CHARTER SCHOOL is renewed for a five-year operational term to begin on July 1, 2022 with the following conditions:

CONDITION 1. RMCS's virtual high school and virtual alternative high school programs must meet all academic standards of RMCS's identified comparison group(s) by June 30, 2024. The comparison group(s) are to be negotiated between RMCS and Commission Staff and included in RMCS's performance certificate.

CONDITION 2. A minimum of 30% of the continuously enrolled students at RMCS's K-12 onsite school (the Montessori program and the Project-Based Learning High School program) achieve proficiency on the statewide math assessment by June 30, 2024.

CONDITION 3. A minimum of 45% of the continuously enrolled students at RMCS's K-12 onsite school (the Montessori program and the Project-Based Learning High School program) achieve proficiency on the statewide ELA assessment by June 30, 2024.

CONDITION 4. RMCS must successfully complete one of the following by June 30, 2023:

a. Achieve a proficiency rate on the spring administration of the statewide literacy assessment (currently the IRI) greater than or equal to the average proficiency rate of RMCS's identified comparison group as stated in RMCS's current performance certificate; or

b. Increase the percent of continuously enrolled students who achieved proficiency on the statewide literacy assessment by a minimum of 10% between the fall and spring administrations of the assessment.

CONDITION 5. RMCS achieves a four-year Adjusted Cohort Graduation Rate of at least 86% by June 30, 2024.

CONDITION 6. RMCS's performance certificate shall include a maximum enrollment cap of 1,200 students across all program offerings (both onsite and virtual).

IT IS SO ORDERED.

DATED this 10th day of March, 2022.

IDAHO PUBLIC CHARTER SCHOOL
COMMISSION

By: Alan Reed
ALAN REED
Chairman

NOTICE OF APPEAL RIGHTS

This is a final order of the Commission. Any party may file a motion for reconsideration of this final order within 14 days of the service date of this order. The Commission will dispose of the petition for reconsideration within 21 days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5246(4) and IDAPA 04.11.01.740.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Commission action was taken,
- c. The party seeking review of the order resides, or
- d. The real property or personal property that was the subject of the Commission action is located.

An appeal must be filed within 28 days (a) of the issuance of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within 21 days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 10, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

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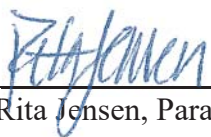
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