

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

In the Matter of the Charter Renewal for:

IDAHO VIRTUAL ACADEMY.

Case No. 22-52506

**NOTICE AND ACKNOWLEDGMENT OF
COMMISSION DIRECTOR'S
RECOMMENDATION FOR RENEWAL
OF CHARTER WITH CONDITIONS**

Pursuant to Idaho Code section 33-5209B, the Director of the Idaho Public Charter School Commission ("Commission") recommends that the charter for Idaho Virtual Academy ("IDVA") be renewed for a five-year term, provided that IDVA agrees to comply with the conditions listed below in Section I.

Upon its review of the Director's recommendation, IDVA may agree to accept the recommendation as presented below, or IDVA may ask for an administrative hearing to contest the Director's recommendation.

If IDVA agrees to accept the Director's recommendation as presented below, an authorized representative of IDVA must complete the Consent Agreement, attached to this Notice as Attachment A, and return it to the Director **by no later than December 15, 2022** to the following address:

Jenn Thompson, Director
Idaho Public Charter School Commission
514 W. Jefferson St., Ste. 303
Boise, Idaho 83720
jenn.thompson@osbe.idaho.gov

If IDVA does not accept the Director's recommendation as presented herein and wishes to have an administrative hearing before the Commission, an authorized representative of IDVA must

complete the Request for Administrative Hearing, attached to this Notice as Attachment B, and return it to the Director **by no later than December 15, 2022** to the address provided above.

If IDVA does not complete either the Consent Agreement or the Request for Administrative Hearing and return it to the Director **by December 15, 2022**, IDVA's inaction will be interpreted as a request for an administrative hearing for conditions not accepted.

I. DIRECTOR'S RECOMMENDATION TO RENEW WITH CONDITIONS

The Director recommends that IDVA's charter be renewed subject to the following conditions:

1. Condition 1: IDVA's alternative education program, Insight School of Idaho (Insight), must increase its outcome on the Alternative Additional Graduates measure of the Commission's performance framework to 22% by fiscal year 2025. Since the corresponding data will be evaluated on or before November 15, 2025, the date by which this condition must be met is November 15, 2025.

Insight's fiscal year 2022 outcome on the Alternative Additional Graduates measure was 18%. This was 15% below the two-year average outcome of all Commission authorized alternative programs. The Alternative Additional Graduates measure is defined in the performance framework and shall be incorporated into IDVA's 2023-2028 performance certificate.

2. Condition 2: IDVA's negotiated performance certificate shall include a maximum enrollment number not to exceed 5,500 students. However, IDVA will be permitted to request an increase in this enrollment number through the charter revision process. The purpose of this condition is to ensure budget predictability for all schools and to ensure that emergency growth decisions are made by the appropriate entity. This condition must be met by July 1, 2023.

3. Condition 3: IDVA is no longer “exempt from some or all measures within the financial portion of the Performance Framework,” as stated in IDVA’s 2018-2023 performance certificate. The purpose of this condition is to ensure that the public has access to an annual performance report that provides complete and transparent information about IDVA’s financial outcomes. This condition must be met by July 1, 2023.

Pursuant to Idaho Code section 33-5209C(7), if a school’s charter is renewed with conditions and the school subsequently fails to meet any one of those conditions by the specified dates, the school’s charter may be revoked by the Commission. The revocation procedure is described in subsections (7) and (8) of Idaho Code section 33-5209C and IDAPA 08.02.04.303.

Dated this 2nd day of December, 2022.

Jenn Thompson Digitally signed by Jenn Thompson
Date: 2022.12.02 10:00:03 -07'00'

Jenn Thompson
Director, Idaho Public Charter School Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2022, I caused to be served a true and correct copy of the Notice and Acknowledgment of Commission Director's Recommendation for Renewal of Charter with Conditions by the following method to:

Jeffrey Thompson
Board of Directors Chairperson
Idaho Virtual Academy, Inc.
1965 S Eagle Rd Suite 190
Meridian, ID 83642
jthompson@idahova.org

- U.S. Mail
- Hand Delivery
- Overnight Mail
- Facsimile:
- Email

Kelly Edginton
Executive Director
Idaho Virtual Academy
1965 S Eagle Rd Suite 190
Meridian, ID 83642
kedginton@k12.com

- U.S. Mail
- Hand Delivery
- Overnight Mail
- Facsimile:
- Email

Jenn Thompson Digitally signed by Jenn Thompson
Date: 2022.12.02 10:00:17 -07'00'

Jenn Thompson
Director
Idaho Public Charter School Commission

ATTACHMENT A:

**CONSENT AGREEMENT
ACCEPTING DIRECTOR'S RECOMMENDATION**

CONSENT AGREEMENT ACCEPTING DIRECTOR'S RECOMMENDATION FOR RENEWAL OF CHARTER WITH CONDITIONS

This Consent Agreement ("Agreement") is hereby entered into between the Director of the Idaho Public Charter School Commission ("Director") and Idaho Virtual Academy ("IDVA"). IDVA understands, acknowledges, and agrees to the following:

1. On behalf of IDVA, the undersigned authorized representative acknowledges the receipt of the Notice and Acknowledgment of Commission Director's Recommendation for Renewal of Charter with Conditions, dated November 15, 2022 ("Notice").
2. IDVA understands and acknowledges the recommendation of the Director, and agrees to accept the conditions as proposed in the Notice and restated below:

- a. Condition 1: IDVA's alternative education program, Insight School of Idaho (Insight), must increase its outcome on the Alternative Additional Graduates measure of the Commission's performance framework to 22% by fiscal year 2025. Since the corresponding data will be evaluated on or before November 15, 2025, the date by which this condition must be met is November 15, 2025.

Insight's fiscal year 2022 outcome on the Alternative Additional Graduates measure was 18%. This was 15% below the two-year average outcome of all Commission authorized alternative programs. The Alternative Additional Graduates measure is defined in the performance framework and shall be incorporated into IDVA's 2023-2028 performance certificate.

- b. Condition 2: IDVA's negotiated performance certificate shall include a maximum enrollment number not to exceed 5,500 students. However, IDVA will be permitted to request an increase in this enrollment number through the charter revision process. The purpose of this condition is to ensure budget predictability for all schools and to ensure that emergency growth decisions are made by the appropriate entity. This condition must be met by July 1, 2023.
- c. Condition 3: IDVA is no longer "exempt from some or all measures within the financial portion of the Performance Framework," as stated in IDVA's 2018-2023 performance certificate. The purpose of this condition is to ensure that the public has access to an annual performance report that provides complete and transparent information about IDVA's financial outcomes. This condition must be met by July 1, 2023.

3. IDVA understands and acknowledges that the Director's recommendation will be presented to the Idaho Public Charter School Commission ("Commission"). IDVA further understands and acknowledges that the Commission is under no obligation to agree with the Director's recommendation, and is under no obligation to adopt this Agreement.

4. IDVA understands and acknowledges that if the Commission approves the renewal of IDVA's charter, the Commission and IDVA shall negotiate the terms of and execute a new performance certificate, as defined in Idaho Code section 33-5202A(6), by no later than June 30, 2023.

5. On behalf of IDVA, the undersigned authorized representative understands and acknowledges that by accepting the Director's recommendation as proposed in the Notice and entering into this Agreement, IDVA is freely and voluntarily waiving certain rights provided by the Idaho Administrative Procedure Act and the laws and rules governing public charter schools in Idaho. These rights include: a full and complete administrative hearing; the right to present evidence or to call witnesses; the right to confront and cross-examine witnesses; the right to reconsideration; the right to appeal this matter to district court; and any other rights provided by the aforementioned laws and rules governing public charter schools in the state of Idaho.

Authorized Representative
Board Chair/President
Idaho Virtual Academy

Jenn Thompson

Digitally signed by Jenn Thompson
Date: 2022.12.02 10:00:37 -07'00'

Jenn Thompson
Director
Idaho Public Charter School Commission

Date

12/2/22

Date

ATTACHMENT B:

**REQUEST FOR ADMINISTRATIVE HEARING
FOR CONDITIONS NOT ACCEPTED**

**REQUEST FOR ADMINISTRATIVE HEARING
FOR CONDITION(S) NOT ACCEPTED**

On behalf of Idaho Virtual Academy (“IDVA”), the undersigned authorized representative acknowledges the receipt of the Notice and Acknowledgment of Commission Director’s Recommendation for Renewal of Charter with Conditions dated November 15, 2022 (“Notice”). IDVA does not agree with some or all of the Director’s recommendation stated in the Notice, and is hereby exercising its right to an administrative hearing before the Idaho Public Charter School Commission (“Commission”).

By checking the corresponding box, IDVA acknowledges that it does not agree with the following proposed condition(s):

Condition 1: IDVA’s alternative education program, Insight School of Idaho (Insight), must increase its outcome on the Alternative Additional Graduates measure of the Commission’s performance framework to 22% by fiscal year 2025. Since the corresponding data will be evaluated on or before November 15, 2025, the date by which this condition must be met is November 15, 2025.

Insight’s fiscal year 2022 outcome on the Alternative Additional Graduates measure was 18%. This was 15% below the two-year average outcome of all Commission authorized alternative programs. The Alternative Additional Graduates measure is defined in the performance framework and shall be incorporated into IDVA’s 2023-2028 performance certificate.

Condition 2: IDVA’s negotiated performance certificate shall include a maximum enrollment number not to exceed 5,500 students. However, IDVA will be permitted to request an increase in this enrollment number through the charter revision process. The purpose of this condition is to ensure budget predictability for all schools and to ensure that emergency growth decisions are made by the appropriate entity. This condition must be met by July 1, 2023.



Condition 3: IDVA is no longer “exempt from some or all measures within the financial portion of the Performance Framework,” as stated in IDVA’s 2018-2023 performance certificate. The purpose of this condition is to ensure that the public has access to an annual performance report that provides complete and transparent information about IDVA’s financial outcomes. This condition must be met by July 1, 2023.

The hearing will be held at the date and place to be set forth in a Notice of Hearing, which will be issued by the Commission by no later than January 15, 2023. IDVA will proceed to the hearing under the terms and requirements set forth in the Notice of Hearing.

Dated: 12.13.22.

Authorized Representative
Board Chair/President
Idaho Virtual Academy