

**BEFORE THE PUBLIC CHARTER SCHOOL COMMISSION**

**STATE OF IDAHO**

In the Matter of the Charter Renewal for:

IDAHO VIRTUAL ACADEMY

Case No. 22-52506

**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 24, 2023. The hearing concerned whether to renew, renew with conditions, or nonrenew the charter held by IDAHO VIRTUAL ACADEMY (“IDVA”) 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.<sup>1</sup> Chairman Alan Reed presided over the hearing. Amy White of Anderson Julian & Hull, LLP represented IDVA. Deputy Attorney General Rachel Kolts represented Commission Staff.

2. The parties offered documentary evidence, as follows: Commission Staff offered Exhibits A through W and IDVA offered Exhibits 1 through 23 and 25 through 34.<sup>2</sup> Prior to the hearing, the parties stipulated to the admission of all exhibits; however, at the hearing Ms. White objected to the admission of Exhibits R and T through W. The objections were overruled since the deadline to object was February 3, 2023, and the deadline had passed. Also, the parties had previously stipulated to the admission of the exhibits. The following witnesses provided testimony at the hearing:

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<sup>1</sup> Commissioner Dean Fisher appeared virtually.

<sup>2</sup> IDVA did not have an Exhibit 24.

On behalf of Commission Staff:

Jenn Thompson, Director of the Idaho Charter School Commission

On behalf of IDVA:

Felicia Boyle, Regional Financial Manager

Irene Shaver, IDVA Board Member and Board Treasurer

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. IDVA is an online charter school offering K-12. It uses the Stride K12 curriculum. IDVA began operations in 2002.

5. On October 28, 2004, IDVA's charter was transfer to the Commission. The Charter School Performance Certificate was renewed on June 1, 2014, for a five-year term, which authorized IDVA to operate as a public charter school in Idaho until June 30, 2018. The Charter School Performance Certificate was renewed again on March 1, 2018, for a five-year term, which authorized IDVA to operate as a public charter school in Idaho until June 30, 2023. Ex. C and D.

6. IDVA filed a Charter Renewal Application in or around late 2022. Ex. 9.

7. On December 2, 2022, the Director of the Idaho Public Charter School Commission ("Director") sent IDVA a Notice and Acknowledgment of Commission Director's Recommendation for Renewal of Charter with Conditions ("Director Recommendation"). Ex. A. The Director Recommendation recommended that IDVA's charter be renewed subject to three conditions. In addition, the Director Recommendation informed IDVA that it must either accept

the Director Recommendation as presented or request a hearing by no later than December 15, 2021. Ex. 1.

8. On December 13, 2021, IDVA notified Commission Staff that it did not agree with Conditions 1 and 3 in the Director Recommendation and requested an administrative hearing. *See* Ex. 1, p 9-10.

9. Pursuant to written notice, on February 2, 2023, an evidentiary hearing was held before the Commission. The hearing was recorded.

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

11. Ms. Felicia Boyle, Regional Financial Manager, and Ms. Shaver, IDVA Board Member and Board Treasurer, testified to the reasons why IDVA objected to Conditions 1 and 3 in the Director Recommendation.

### **CONCLUSIONS OF LAW**

12. The Commission has the authority and discretion to renew the charter held by IDVA 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 IDVA’s charter with no conditions.

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**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 ACADEMY is renewed for a five-year operational term to begin on July 1, 2023, with no conditions.

IT IS SO ORDERED.

DATED this 2 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.

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 3, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

Representing IDVA:

Amy White  
Anderson, Julian & Hull  
P.O. Box 7426  
Boise, ID 83707  
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- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
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- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Email



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Leslie Gottsch, Legal Assistant to  
Karen Sheehan, General Counsel for the  
Idaho Public Charter School Commission