

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

In the Matter of the Charter Renewal for:

MONTICELLO MONTESSORI
CHARTER SCHOOL

Case No. 22-52509

**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 March 8, 2023. The hearing concerned whether to renew, renew with conditions, or nonrenew the charter held by MONTICELLO MONTESSORI CHARTER SCHOOL (“MMCS”) pursuant to Idaho Code section 33-5209B. The hearing was conducted 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.¹ Chairman Alan Reed presided over the hearing. Jill S. Holinda of Holinka Law, P.C. represented MMCS. Deputy Attorney General Adam Warr represented Commission Staff.

2. The parties offered documentary evidence as follows: a.) Commission Staff offered Exhibits A through M; b.) MMCS offered Exhibits 1–29; 5.1; 27.1; and 29.1. Prior to the hearing, the parties stipulated to the admission of all exhibits.

3. 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 MMCS

- Dr. David Meyer, MMCS Board Chairman

¹ Commissioners Wanda Quinn and Karen Echeverria appeared virtually. Commissioner Brian Scigliano resigned from the Commission on March 7, 2023.

- Carrie Smith, MMCS Business Manager
- Jeanne Johnson, MMCS Administrator

4. At the conclusion of the hearing, the Commission carefully 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

5. MMCS is a public charter school in Ammon, Idaho that serves approximately 150 students across grades K–8. Ex. C.

6. On July 22, 2009, the Commission approved a charter petition for the establishment of the MMCS, and MMCS began operations in 2010. The school's charter was renewed for a five-year term on June 1, 2018, which authorized the school to operate as a public charter school in Idaho until June 30, 2023. *See* MMCS Performance Certificate dated July 1, 2018.²

7. On November 15, 2022, the Director of the Idaho Public Charter School Commission ("Director") sent MMCS a Notice and Acknowledgment of Commission Director's Recommendation for Renewal of Charter with Conditions ("Director Recommendation"). Ex. A. The Director Recommendation recommended the school for renewal subject to seven (7) conditions. It further informed MMCS that it must either accept the Director Recommendation as presented or request a hearing by no later than December 15, 2022. *Id.*

8. On November 16, 2022, MMCS signed a Consent Agreement Accepting Director's Recommendation ("Consent Agreement"). Ex. B.

9. MMCS filed a Charter Renewal Application on or about December 15, 2022. Ex.

² Commission's Public Meeting Materials for February 23, 2023 Meeting, X.B., at page 181–187

C.

10. The Commission considered the MMCS Consent Agreement at the Commission's regular meeting on February 23, 2023. After deliberations, the Commission voted to reject the Consent Agreement as presented and move to a charter renewal hearing prior to March 15, 2023.

11. Pursuant to written notice, on March 8, 2023, an evidentiary hearing was held before the Commission. The hearing was recorded. Both Commission Staff and MMCS requested approval of the November 16, 2022 Consent Agreement.

12. Director Thompson testified as to the reasons for the Director Recommendation.

13. Dr. David Meyer, MMCS Board Chairman; Carrie Smith, MMCS Business Manager; and Jeanne Johnson, MMCS Administrator, testified as to the reasons for acceptance of the Director Recommendation and for renewal of the charter.

CONCLUSIONS OF LAW

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

15. After deliberations, the Commission voted to approve the MMCS's charter with the conditions recommended by Commission Staff and outlined in the Consent Agreement, with one modification: the date of July 1, 2023, which appears in three places in Condition 1, is replaced with the date of June 8, 2023. The Commission will request a check-in and update from Commission Staff on Condition 1 at its regularly scheduled meeting on June 8, 2023. The conditions set forth in the Consent Agreement are attached to this Order and incorporated by reference, with the aforementioned modification to the date in Condition 1.

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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 MONTICELLO MONTESSORI CHARTER SCHOOL is renewed for a five-year operational term to begin on July 1, 2023, with the seven conditions as set forth in the attached Consent Agreement and incorporated herein by reference.

IT IS FURTHER ORDERED that the July 1, 2023 date in Condition 1 in the attached Consent Agreement is hereby replaced with the date of June 8, 2023.

IT IS SO ORDERED.

DATED this 22 day of March 2022.

IDAHO PUBLIC CHARTER SCHOOL
COMMISSION

By: Alan Reed
ALAN REED
Chairman

CONSENT AGREEMENT ACCEPTING DIRECTOR'S RECOMMENDATION

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

1. On behalf of MMCS, 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. MMCS 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: MMCS must achieve a Meets Standard rating on the Financial Default measure of the Commission's performance framework by July 1, 2023.

MMCS did not meet standard on the Financial Default measure in fiscal year 2022, as it failed to meet its federal tax obligations. The Financial Default measure is defined in the performance framework and shall be incorporated into MMCS's 2023-2028 performance certificate.

To meet this condition, MMCS must not be in default of any financial obligations, including, but not limited, facility debt, federal taxes, and payroll obligations. To verify that MMCS is no longer in default of federal tax obligations, MMCS must provide evidence that **either** (a) any back taxes owed to the IRS (including any penalties) have been paid in full by July 1, 2023, **or** (b) by July 1, 2023, the IRS has agreed to place MMCS on a payment plan that allows the school to maintain long-term financial sustainability with the revenue generated by 150 students (the enrollment achieved in fiscal year 2022 and fiscal year 2023).

- b. Condition 2: By November 15, 2024 MMCS must achieve a Meets Standard rating on the following performance framework financial measures: Financial Default, Enrollment Variance, Financial Compliance, Current Ratio, Days Unrestricted Cash on Hand, Total Margin, Debt Service Coverage Ratio, and Debt to Asset Ratio.

Achieving a Meets Standard rating on these 8 financial measures will evidence the school's ability to correct the standards not met in fiscal year 2022 without negatively impacting other financial measures.

- c. Condition 3: By November 15, 2025, MMCS must achieve a Meets Standard rating on all 9 of the financial measures of the Commission's performance framework which include: Financial Default, Enrollment Variance, Financial Compliance, Current Ratio, Days Unrestricted Cash on Hand, Total Margin, Debt Service Coverage Ratio, Debt to Asset Ratio, and Cash Flow.

Achieving a Meets Standard rating on all 9 financial measures will evidence the school's ability to achieve financial good standing. Additionally, once MMCS meets the terms of this condition, the Notification of Fiscal Concern, under which the school has operated since fiscal year 2021, can be considered for removal the following June.

- d. Condition 4: By November 15, 2026, MMCS must achieve a Meets Standard rating on all 9 of the financial measures of the Commission's performance framework which include: Financial Default, Enrollment Variance, Financial Compliance, Current Ratio, Days Unrestricted Cash on Hand, Total Margin, Debt Service Coverage Ratio, Debt to Asset Ratio, and Cash Flow.

Achieving a Meets Standard rating on all 9 financial measures will evidence the school's ability to not only achieve financial good standing, but also its ability to maintain that good standing over time.

- e. Condition 5: MMCS must achieve a Meets Standard rating on the literacy proficiency measure of the Commission's performance framework in 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.

MMCS did not meet standard on the literacy proficiency measure in any operational year over the course of this performance certificate term. The literacy measure is defined in the performance framework and shall be incorporated into MMCS's 2023-2028 performance certificate.

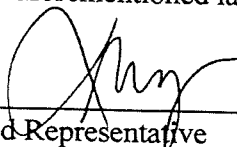
- f. Condition 6: MMCS must achieve a Meets Standard rating on the math proficiency measure of the Commission's performance framework in fiscal year 2025. Since the corresponding data will be evaluated on or before November 15, 2025, the date by which this condition must be met is November 15, 2025.

MMCS did not meet standard on the math proficiency measure in any operational year over the course of this performance certificate term. The math proficiency measure is defined in the performance framework and shall be incorporated into MMCS's 2023-2028 performance certificate.

- g. Condition 7: MMCS must achieve a Meets Standard rating on the English language arts proficiency measure of the Commission's performance framework in 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.

MMCS did not meet standard on the English language arts proficiency measure in any operational year over the course of this performance certificate term. The English language arts proficiency measure is defined in the performance framework and shall be incorporated into MMCS's 2023-2028 performance certificate.

3. MMCS understands and acknowledges that the Director's recommendation will be presented to the Idaho Public Charter School Commission ("Commission"). MMCS 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. MMCS understands and acknowledges that if the Commission approves the renewal of MMCS's charter, the Commission and MMCS 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 MMCS, the undersigned authorized representative understands and acknowledges that by accepting the Director's recommendation as proposed in the Notice and entering into this Agreement, MMCS 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, Monticello Montessori Charter School

11/16/22

 Date

Jenn Thompson

 Jenn Thompson
 Director, Idaho Public Charter School Commission

Digitally signed by Jenn Thompson
 Date: 2022.11.15 08:36:09 -07'00'

11/15/22

 Date

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 23, 2022, I caused to be served a true and correct copy of the foregoing by the following method to:

Representing MMCS:

Jill S. Holinka
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P.O. Box 190164
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- U.S. Mail
- Hand Delivery
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Amber Kauffman
General Counsel for the Idaho Public Charter
School Commission