

1 Joint School District No. 2, Meridian
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.
3 BOARD OF EDUCATION

4
5 Series 200

6
7 Policy Title Public Charter Schools Code No. 206

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10 Statement of Guiding Principles

11 Public charter schools are intended to offer students, parents and communities
12 opportunities to develop different and innovative educational programs for students
13 (Idaho Code, 33-5202). The intent of Joint School District No. 2 is to provide this
14 educational opportunity equally to all students within the district and to promote the
15 success of all students. The district will follow federal guidelines to ensure
16 nondiscrimination and appropriate opportunities for all students. In addition to
17 educational programs that are not available in other schools residing in the district,
18 public charter schools authorized by the Board of Trustees of Joint School District No. 2
19 shall provide the same full range of support services as currently available to district
20 students.

21
22 Charter School Policy

23 A charter school is a public, nonsectarian, publicly funded school that is accountable for
24 the provisions set forth in its petition as negotiated with the district. Charter schools shall
25 fulfill all the obligations set forth in their charter. The charter school shall operate
26 independently within the boundaries of the district, and it shall be responsible for its own
27 operation including, but not limited to, personnel matters, preparation of a budget, and
28 contracted services. Any changes to the approved charter shall be viewed as an
29 addendum and shall be approved prior to implementation of the change by the district's
30 board of trustees.

31
32 A charter school may be formed by creating a new school or converting an existing
33 public school to charter status. The district cannot authorize the conversion of any
34 private or parochial school to a charter school. A charter school cannot be operated for
35 profit.

36
37 A charter school shall be subject to all federal and state laws including, but not limited to,
38 laws concerning discrimination on the basis of race, color, sex, religion, age, birth,
39 ancestry, national origin, or disability. Charter schools within Joint District No. 2 will
40 comply with the Accountability Plan for the State of Idaho and all provisions of the
41 federal statutes, including but not limited to ESEA of 2001.

42
43 Involvement with the charter school by any student, parent/guardian, or employee shall
44 be voluntary. During the first year of operation, the primary attendance zone shall be no
45 less than the high school boundary in which the charter school resides. Thereafter, the
46 primary attendance zone shall be the entirety of the geographic area governed by Joint
47 School District No. 2. Students residing outside Joint School District No. 2 may be
48 admitted to a charter school, but priority shall be given to district students. A charter
49 school shall not charge tuition or fees except those fees normally charged by other
50 public schools.

51

52 A charter school must accomplish any of the criteria established in Idaho Code 33-5202.

53 Each charter school shall:

- 54 1. be organized and managed as a nonprofit corporation;
- 55 2. have a board of directors to act as public agents to govern the charter school and
56 have the same responsibilities and liability as any governing board of public
57 education;
- 58 3. have one member of the charter board appointed by the board of trustees of
59 Joint School District No. 2;
- 60 4. be considered a public school for all purposes.

61

62 General Powers and Limitations of the Charter School Board of Directors

- 63 1. Upon approval of the petition, the charter school's board of directors will be public
64 agents required to govern their charter school.
- 65 2. The charter school must comply with all federal and state laws and rules.
- 66 3. The responsibility for identifying the essential laws and regulations, and
67 complying with them, lies with the charter school, not the district.
- 68 4. The charter school may not extend the faith and credit of the district to any third
69 person or entity.
- 70 5. The charter school may not contractually bind the district with any third party.
- 71 6. The charter school shall keep complete and accurate board of directors' minutes
72 and make them available to the public.
- 73 7. The charter school shall comply with Idaho Public Records Act, Idaho Code 9-
74 337 and 9-348.

75

76 District Liability and Charter School Insurance

77 Idaho law provides that the board of trustees and the district have no liability for the acts,
78 omissions, debts or other obligations of a charter school, except as may be provided in
79 an agreement or contract between the district and a charter school. The charter school
80 shall defend, hold harmless and indemnify the board against any claim, action, loss,
81 damage, injury liability, cost or expense of any kind or nature, including, but not limited
82 to, attorney's fees and court costs, arising out of the operation of the charter school
83 and/or arising out of the acts of omissions of the agents, employees, invitees or
84 contractors of the charter school. The charter school also shall secure insurance for
85 property and liability loss, and any other type of insurance necessary to provide
86 coverage for the potential losses described in this paragraph. A charter school that
87 converts an existing school to a charter school shall list Joint School District No. 2 as an
88 additional insured.

89

90 Limits to Authorization-Pursuant to Idaho Code 33-5203(2)

- 91 1. not more than one (1) newly chartered public school charter may be granted in
92 Joint School District No. 2 for any one (1) school year;

93

94 Time Line for Establishing a Charter School

95 The board will only accept charter school petitions one day each year.

- 96 1. A letter of intent to submit a petition must be filed with Joint School District No. 2
97 between June 15th and July 15th.
- 98 2. A copy of the charter petition in electronic format, either a .doc or a pdf file must
99 be submitted to the clerk of the board, Joint School District No. 2, 1303 E.
100 Central Dr., Meridian, ID 83642, no later than 4:30 p.m., on the second Friday of
101 August.

102 Joint School District No. 2 will follow timelines established in Idaho Code 33-5205
103 regarding public hearing requirements and decisions granting or denying charter
104 petitions based on the one day a year that petitions may be submitted.

105

106 Petitions not meeting criteria will not be considered.

107

108 Technical Assistance for Preparation of a Charter School Form and Petition

109 The superintendent or designee may provide technical assistance for a charter school
110 petition regarding issues of compliance with the district's charter school policy. Idaho
111 Code 33-5211 provides that the State Department of Education shall provide assistance
112 preparing charter petitions.

113

114 Petition To Establish Public Charter School

115 The board can only consider a petition:

- 116 1. if the petition to convert an existing school, has signatures from not less than
117 60% of certificated personnel currently assigned to that school and from
118 parents/guardians of not less than 60% of the students currently attending that
119 school;
- 120 2. if the petition to use a nonpublic school facility has been signed by not fewer than
121 thirty (30) qualified electors of the district.
- 122 3. The board of trustees may either: (i) consider the petition and approve the
123 charter; or (ii) consider the petition and reject the charter; or (iii) refer the petition
124 to the Public Charter School Commission.

125

126 Charter school petitioners must submit a letter of intent during the filing period of June
127 15th through July 15th. Petitioners who fail to submit a letter of intent by the deadline
128 shall automatically be denied the opportunity to establish a charter school.

129

130 Criteria for approving a petition to establish charter school-Pursuant to Idaho Code 33-
131 5205(3)

132 A. The board of trustees may grant a charter for operation of a school
133 according to Idaho Code 33-5205.

134

135 B. The board may approve the charter if the petitioner commits to the
136 following:

- 137 1. provide copies of the school's bylaws and articles of incorporation
138 under the Idaho Nonprofit Corporation Act;
- 139 2. meet the requirement of state law, IC 33-130, concerning finger
140 printing and criminal background checks, and provide written
141 verification of compliance with IC 33-130 annually to the district
142 and/or when new employees are hired;
- 143 3. provide to the district proof of the insurance coverage required by
144 this policy;
- 145 4. provide copies of State Department's legal review.
- 146 5. prior to the opening of the school, provide to the district a
147 certificate of occupancy for the charter school property;
- 148 6. continuously comply with all applicable facility codes, ordinances
149 and regulations;
- 150 7. agree to quarterly reports to the board of trustees concerning the
151 implementation of the charter between the time the charter is
152 approved and the opening of the charter school;

- 153 8. collect and provide such data that is required of the district;
154 9. provide an adequate discipline plan that includes, but is not limited
155 to student due process rights, intervention, transfers, and
156 expulsion;
157 10. dual enrollment policies established in Idaho Code.
158

159 The board may choose to interview key members of the charter school team prior to
160 making a decision. The interview will be open to the public.
161

162 Charter School Appeal Process

163 If the board grants a charter for the conversion of an existing school within the district
164 over the objection of thirty (30) or more persons or employees of the district, or denies a
165 petition for the establishment of a new charter school for any reason including, but not
166 limited to, failure to follow policy or for failure to provide required information, then such
167 decisions may be appealed to the State Superintendent of Public Instruction, at the
168 request of persons opposing the conversion of an existing school, or at the request of
169 the petitioner whose request for a new charter was denied. There shall be no appeal of
170 a decision by the board which denies the conversion of an existing school within the
171 district to a charter school, or which grants a petition for the establishment of a new
172 charter school. Charter proposals that are not approved may be resubmitted the
173 following year.
174

175 Use of District Services and/or Facilities

176 A charter school may contract with the district to provide services or facilities to the
177 charter school. If an agreement is made, the district will charge for the services or
178 facilities at a rate which is stipulated in the contract. The district is not obligated to
179 contract services or facilities.
180

181 If the charter school wishes to use a district facility, the parties may negotiate a contract
182 which will, where applicable, include, but not be limited to, the following:

- 183 1. identification of the facility;
184 2. lease rate and term for the facility;
185 3. outlining of the permissible use;
186 4. provisions for joint inspection and notation of the initial condition of the building;
187 5. limitations of the permissible alterations of the facility;
188 6. allowance for District inspection of the facility;
189 7. determination of the operational costs to be paid by the parties, including, but not
190 limited to, utilities, maintenance and custodial services;
191 8. determination of the manner in which the building must be restored to its original
192 condition at the end of the leasing period;
193 9. provisions for the terms, conditions and coverage of property and liability
194 insurance.
195

196 Personnel

- 197 1. Charter school employees are not employees of the district.
198 2. The staff of the charter school shall not be a part of the district's employees
199 collective bargaining unit.
200 3. A district certificated employee who leaves the district for employment as a
201 certificated employee in the intervening years at a charter school approved by
202 the district, but requests to be reemployed by the district within one (1) year of
203 the date that he/she was last employed by the district shall be provided, if

- 204 appropriate, with reemployment if there is an open position that matches the
205 teacher's endorsement. Positions offered may not be at the district school where
206 the employee was previously assigned and may be in an area of endorsement
207 that differs from the employee's previous teaching position.
- 208 4. A district certificated employee who leaves the district for employment as a
209 certificated employee in the intervening year(s) at a charter school approved by
210 the district, but who requests to be reemployed by the district within one (1) year
211 of the date that he/she was last employed by the district and who is seeking an
212 assignment in a different area of certification than when he/she was formerly
213 employed by the district must apply through the district's equal opportunity
214 employment procedures.
 - 215 5. Charter school certificated years of services will count toward placement on the
216 district salary schedule according to district placement procedures for new
217 certificated employees.
 - 218 6. Return of former district employees to the district during an academic year shall
219 be at the sole discretion of the district.
 - 220 7. The board of directors for the charter school shall provide coverage for their
221 employees with the public employee retirement system, federal social security,
222 unemployment insurance and worker's compensation insurance.

223 224 Title V1-B – Federal Special Educator Funds.

225 The chartering board and charter school agree that as the L.E.A., the school district is
226 fully responsible for the appropriate use of these funds in compliance with all state and
227 federal regulations, established special education policies and procedures, and the
228 Catalog of Allowable District Uses for Title VI-B funds.

229
230 If any of these funds flow through to the charter school by the school district, the charter
231 school will submit, to the school district, a budget that indicates fully how these funds will
232 be used for the provision of special education services. A copy of this budget, signed by
233 appropriate charter school and school district officials, will be submitted to the SDE
234 along with the District's Title VI-B application.

235 236 Review of the Charter School

237 The board shall retain the right to review the degree to which the charter school is
238 meeting the terms of the petition. The superintendent or designee may have a district
239 representative or an independent evaluator:

- 240 1. visit the charter school;
- 241 2. review the charter school's records and data;
- 242 3. directly survey the charter school's parents/guardians, students, employees;
- 243 4. audit the books of the charter school;
- 244 5. pursue any other reasonable means of determining accountability for the charter
245 petition.

246 247 Annual Report

248 A charter school that is approved by the district shall annually present a report to the
249 board of Joint School District No. 2. The report shall:

- 250 1. include an audit of financial operations conducted by an independent auditing
251 firm;
- 252 2. include an audit of the charter school's programmatic operations, which includes
253 a report on student progress including but not limited to the school's petition, the
254 Accountability Plan for the State of Idaho, and the provisions of ESEA 2001;

- 255 3. provide for an annual student profile including: enrollment and departures;
 256 number of special education students, types of disabilities; programs for and
 257 dollars spent on special needs students; number of minority students; number of
 258 volunteer hours; student achievement and progress; attendance rates;
 259 expulsions and suspensions; numbers of students qualified for free and reduced
 260 lunch; number of ELL students;
 261 4. provide a list of staff members who have been fingerprinted and have had
 262 background checks.
 263 5. provide a list of fundraising activities and the amount of money raised.
 264 6. include a copy of the public charter school's accreditation report.
 265 7. include a copy of federal form 990.
 266
 267

268 Revision of Charter

269 A revision of the terms of the charter petition shall require the approval of the board of
 270 trustees and the charter school's board of directors prior to implementation of the
 271 change.
 272

273 Probation and Termination

274 The board may place on probation or terminate the charter if the board finds that the
 275 charter school has:

- 276 1. failed to substantially meet the student educational standards identified in the
 277 charter
 278 2. committed a material violation of any condition, standard or procedure set forth in
 279 the charter
 280 3. failed to meet generally accepted accounting standards of fiscal management;
 281 violated any provision of law;
 282 4. failed to submit required reports to the district, state or other governmental
 283 agency;
 284 5. filed for bankruptcy or financial reorganization and is unable to pay its creditors.
 285

286 Except in emergency situations, the board will provide ninety (90) days written, prior
 287 notice and an opportunity for the charter school's board of directors to be heard by the
 288 board before the board can terminate a charter school petition. A decision to terminate a
 289 charter may be appealed directly to the Idaho State Board of Education.
 290

291 Upon termination of the charter school petition, all records of students residing in the
 292 district and all assets shall be immediately transferred to the district.
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 302

303 Date of Revision:

304 1/11/05

Legal Reference: Code of Idaho

33-5201-5, 33-5210, 33-130

9-337, 9-348, 33-5211

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