

*Attorney-Client Communication  
Attorney Work Product  
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**MEMORANDUM**

TO: Bluum Inc.  
FROM: Givens Pursley LLP  
RE: Establishing an Idaho College or University as an Authorized Chartering Entity  
DATE: February 14, 2022

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**PURPOSE OF MEMORANDUM**

To operate as a public charter school in the state of Idaho, a school must be granted authority (a charter) by an “authorized chartering entity” (an “**authorizer**”).<sup>1</sup> An authorizer is the entity that approves a public charter school, reviews the school’s performance, and determines whether to renew the school’s license to operate. Currently, the Idaho Public Charter School Commission and certain Idaho public school districts are the only entities in Idaho authorizing charter schools. However, Idaho public colleges, universities, and community colleges, as well as private, nonprofit, Idaho-based, nonsectarian colleges and universities that are accredited by the same organization that accredits Idaho public colleges and universities (each, an “**Institution**”) qualify as authorizers.<sup>2</sup> The purpose of this memorandum is to outline the process for an Institution to become an authorizer, and the responsibilities accompanying that role.

**LAWS AND RULES GOVERNING AUTHORIZERS**

Authorizers are governed by the “Public Charter Schools Act of 1998” found at Idaho Code § 33-5201 et seq. (the “**Act**”). In furtherance of the requirements of the Act,<sup>3</sup> the State Board of Education promulgated “Rules Governing Public Charter Schools” (the “**Rules**”)<sup>4</sup> to establish a consistent application and review process for the approval and maintenance of all public charter schools.

**REQUIREMENTS FOR AN INSTITUTION TO BE AN AUTHORIZER**

Under Idaho Code § 33-5202A(1)(c), an Institution is designated as an “Authorized chartering entity” without any need for further action or approval. The Rules require an Institution to receive approval from its governing board prior to authorizing any charter schools.<sup>5</sup>

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<sup>1</sup> See Idaho Code § 33-5203.

<sup>2</sup> Idaho Code § 33-5202A(1).

<sup>3</sup> Idaho Code § 33-5203(7).

<sup>4</sup> IDAPA 08.02.04.

<sup>5</sup> IDAPA 08.02.04.101(01).

## CHARGING AN AUTHORIZER FEE

Each public charter school is required to pay to its authorizer a fee (an “**Authorizer Fee**”), by March 15 of each fiscal year,<sup>6</sup> to defray the actual documented cost of monitoring, evaluation, and oversight, unless such payment is declined by the authorizer. The Authorizer Fee is determined by statute and shall not exceed the greater of: (a) all state funds distributed to public schools on a support unit basis for the prior fiscal year, *divided by* the statewide number of public school students in average daily attendance in the first reporting period in the prior fiscal year; or (b) the lesser of: (i) the result of the calculation in paragraph (a) of this subsection, multiplied by 4; or (ii) 1.5% of the result of the calculation in paragraph (a) of this subsection, multiplied by the public charter school’s average daily attendance in the first reporting period in the current fiscal year.<sup>7</sup>

If the school fails to pay the Authorizer Fee, the authorizer must first notify the school of the delinquent fee within 30 days of the non-payment. If the fee is not paid after notification, the authorizer should report to the Department of Education.<sup>8</sup>

## THE AUTHORIZING PROCESS

### A. Adopting Policies and Procedures

Once an Institution has obtained approval from its governing board to be an authorizer, the Institution may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school. Petitioners must comply with the adopted policies and procedures of its authorizer.<sup>9</sup>

### B. Acceptance and Timeline for Review of Petitions

An Institution may accept petitions (each, a “**Petition**”) from persons who desire to establish a new public charter school, or to convert a traditional public school to a public charter school (a “**Petitioner**”).<sup>10</sup> A Petition may be submitted to only one authorizer at a time.<sup>11</sup>

Petitions to an Institution are required to be submitted to the president of the Institution or to his or her designee, and may be submitted electronically.<sup>12</sup>

Generally, a Petition must be received by the authorizer no later than September 1 for a school to be eligible to begin instruction the first complete school year following receipt of the Petition. As an authorizer, an Institution can approve a later submission, but must authorize a school no later than January 1 for it to begin operations the following school year.<sup>13</sup>

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<sup>6</sup> Idaho Code § 33-5208(8).

<sup>7</sup> Idaho Code § 33-5208(8).

<sup>8</sup> IDAPA 08.02.04.102.

<sup>9</sup> IDAPA 08.02.04.201.

<sup>10</sup> Idaho Code § 33-5205; IDAPA 08.02.04.010.06.

<sup>11</sup> IDAPA 08.02.04.200(03).

<sup>12</sup> IDAPA 08.02.04.101(01)(a).

<sup>13</sup> Idaho Code § 33-5203(2)(b)-(c).

### **C. Petition Requirements and Review**

For a Petition to be considered by the authorizer, it must provide the authorizer with a clear basis for assessing the Petitioner's plans and capacities. The State Board of Education developed application requirements for Petitioners to follow, which requirements are set forth on **Schedule 1**, attached hereto.<sup>14</sup> An authorizer may make additional requirements as part of its policies and procedures but, at a minimum, the Petition must include the items described on **Schedule 1**.

Upon receipt of the Petition, representatives of the Institution shall review the Petition. An Institution may also contract with a 3<sup>rd</sup> party or other governmental agency to assist with the review, and may ask for clarifying information from the Petitioner, as needed.<sup>15</sup> Upon request, the Idaho Department of Education will provide technical assistance to authorizers preparing or reviewing charter petitions or performance certificates.<sup>16</sup>

In addition to reviewing the Petition requirements set forth in **Schedule 1**, before approving a charter petition indicating the school board's intent to contract with an educational service provider ("ESP"), the authorizer must thoroughly evaluate: (1) the academic, financial, and organizational outcomes of other schools that have contracted with the ESP, and (2) evidence of the ESP's capacity to successfully grow the school while maintaining quality management and instruction in existing schools.<sup>17</sup>

### **D. School Admission Procedures**

As an authorizer, an Institution is also responsible for reviewing and approving the admission procedures for the charter school. The admission procedures must comply with Idaho Code § 33-5206(11) and Section 203 of the Rules. The State Board of Education has approved model admission procedures that may be utilized and adopted by Petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of the Rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures.

### **E. Decision Making and Hearing Process**

Following review as described in paragraph C above, an Institution may approve or deny the Petition.<sup>18</sup> While the Act provides very specific mechanics and timelines for reviewing a petition and holding a public hearing when the authorizer is the Public Charter School Commission, it does not proscribe a process for other authorizers. As such, an Institution authorizer has the flexibility to design its own timing for review of Petition, and its own hearing process.<sup>19</sup> These items should be identified in the policies and procedures prepared pursuant to paragraph A above.

### **F. Limitations**

An authorizer may not approve a charter in two circumstances: (a) if the charter provides for the conversion of any existing private or parochial school to a public charter school, or (b) if the charter is for a for-profit entity or any school that is operated by a for-profit entity.<sup>20</sup> However, the for-profit restriction does not

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<sup>14</sup> IDAPA 08.02.04.202.

<sup>15</sup> Idaho Code § 33-5205(3)(c).

<sup>16</sup> Idaho Code § 33-5211.

<sup>17</sup> Idaho Code § 33-5206(10)(i).

<sup>18</sup> IDAPA 08.02.04.101(01)(b).

<sup>19</sup> Idaho Code § 33-5205(4).

<sup>20</sup> Idaho Code § 33-5203(4)(a)-(b).

prevent the board of directors of the charter school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.<sup>21</sup>

#### **G. Approval of Petition/Performance Certificate**

If a Petition is approved, the authorizer shall provide the Idaho State Board of Education with copies of the charter and any charter revisions upon request.<sup>22</sup> The initial charter shall be granted for a term of five (5) operating years, commencing on the July 1 preceding the public charter school's first year of operation.<sup>23</sup>

Within 75 days of the authorizer approving a charter school application, the authorizer and the governing board of the approved charter school must negotiate and execute a performance certificate.<sup>24</sup> The performance certificate must be approved in an open meeting of the authorizer's governing board and signed by the president of the authorizer's governing board.<sup>25</sup>

Within 14 days of executing the performance certificate, the authorizer must submit to the State Board of Education written notification of the performance certificate execution, including a copy of the performance certificate.<sup>26</sup>

#### **H. Contents of the Performance Certificate**

The Performance Certificate must include (1) the academic and operational performance expectations and measures by which the public school will be judged, including at a minimum applicable federal and state accountability requirements, and (2) the administrative relationship between the authorizer and the school, including each party's rights and duties.<sup>27</sup> An approved charter Petition cannot be used as the performance certificate.

The provisions addressing performance shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the authorizer's evaluations of the school. The performance framework shall include indicators, measures, and metrics for, at a minimum, student academic proficiency, student academic growth, college and career readiness if the charter school is a high school, and board performance and stewardship, including compliance with all applicable laws, regulations, and terms of the performance certificate.<sup>28</sup> Each charter holder, in conjunction with its authorizer, shall set measurable performance targets and require that the school meet applicable federal, state, and authorizer goals for student achievement.<sup>29</sup>

#### **I. Denial of Petition**

If the Institution denies a petition, then it must promptly prepare for Petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by

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<sup>21</sup> Idaho Code § 33-5203(4)(b).

<sup>22</sup> IDAPA 08.02.04.100(01).

<sup>23</sup> Idaho Code § 33-5205(8).

<sup>24</sup> Idaho Code § 33-5205B(1).

<sup>25</sup> Idaho Code § 33-5205B(2)-(3).

<sup>26</sup> Idaho Code § 33-5205B(2).

<sup>27</sup> Idaho Code § 33-5205B(1).

<sup>28</sup> Idaho Code § 33-5209A(1).

<sup>29</sup> Idaho Code § 33-5209A(2).

the Institution, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the Institution.<sup>30</sup>

#### **J. Institution's Decision is Final**

An Institution's decision to either approve or deny a Petition is final and not subject to appeal.<sup>31</sup> The sole remedy of a Petitioner upon a denial of a charter by an Institution is to apply to another authorized chartering entity.

### **ONGOING RESPONSIBILITIES OF AN AUTHORIZER WITH RESPECT TO AUTHORIZED SCHOOLS**

The authorizer conducts oversight of the charter school to evaluate performance, monitor legal compliance, and enforce the terms of the performance certificate.

#### **A. Pre-Opening Requirements or Conditions**

To monitor start-up progress of a newly approved charter school, the authorizer may establish reasonable pre-opening requirements or conditions and ensure that the school is prepared to open smoothly on the date agreed as well as meet all building, health, safety, insurance, and other legal requirements for school opening.<sup>32</sup>

#### **B. Collect and Analyze Data**

In evaluating performance, the authorizer collects, analyzes, and reports all data from state assessments in accordance with the performance framework set out in the performance certificate.<sup>33</sup>

#### **C. Publish Annual Report**

In accordance with the performance framework set out in the performance certificate, the authorizer must issue a publicly accessible report annually that includes a performance summary for the charter school.<sup>34</sup> The authorizer may require the school to submit an annual report to assist the authorizer with gathering information about the school consistent with the performance framework.<sup>35</sup> The school must publish the annual performance report on its website.

#### **D. Review Audit and Confirm Legal Compliance**

The authorizer reviews the annual audit of the school's fiscal operations submitted by the school to the authorizer<sup>36</sup> and notifies the Department of Education if concerns arise about the school's fiscal soundness.<sup>37</sup> The authorizer also monitors legal compliance, including complying with the general education laws of the state. The authorizer has reporting obligations; if it has reason to believe that the

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<sup>30</sup> IDAPA 08.02.04.205.

<sup>31</sup> IDAPA 08.02.04.101(01)(c).

<sup>32</sup> Idaho Code § 33-5206(6).

<sup>33</sup> Idaho Code §§ 33-5209A(3); 33-5209C(1).

<sup>34</sup> Idaho Code § 33-5209C(2).

<sup>35</sup> Idaho Code § 33-5209C(2).

<sup>36</sup> Idaho Code §§ 33-5206(7).

<sup>37</sup> Idaho Code § 33-5209C(3).

school has violated any provision of law, it must notify the charter holder and the entity responsible for administering that law.<sup>38</sup>

### **E. Oversight Activities**

As part of the authorizer's responsibility to continually monitor the performance and legal compliance of the public charter school, the authorizer has the authority to conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under the Act.<sup>39</sup> This includes authority to conduct inquiries and investigations, as long as those activities are consistent with the intent of the Act, adhere to the terms of the performance certificate, and do not unduly inhibit the autonomy granted to public charter schools.

### **REVISIONS TO THE CHARTER OR PERFORMANCE CERTIFICATE**

The school or the authorizer may enter into negotiations to revise a charter or performance certificate at any time.<sup>40</sup> The authorizer must review and respond to the request for revision according to the timeline set out in IDAPA 08.02.04.302.

If the request includes a proposal to increase the school's enrollment cap by 10% or more, the authorizer must: (1) hold a public hearing on the petition; and (2) provide notice in writing of the hearing to the board of the local school district no later than 30 days prior to the hearing.<sup>41</sup> At the public hearing, any petitioner as well as an authorized representative of the school district in which the public charter school is physically located may provide oral or written comments about the impact of the proposed charter revision upon the school district.

### **TIMELINE AND OBLIGATIONS OF AUTHORIZER IN CONNECTION WITH CHARTER RENEWAL**

The authorizer is responsible to issue a performance report and charter renewal application guidance identifying all potential issues by November 15 if the charter expires the following year.<sup>42</sup> The performance report must provide notice of any weakness or concern that the authorizer has determined may jeopardize the school's position in seeking renewal, if not timely rectified.<sup>43</sup> The charter holder has thirty days to respond to the performance report and submit any corrections or clarifications for the report.<sup>44</sup> The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on independent fiscal audits and the performance framework set forth in the performance certificate.<sup>45</sup> The renewal application guidance must provide an opportunity for the charter holder to both present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal and describe improvements undertaken or planned for the school.<sup>46</sup>

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<sup>38</sup> Idaho Code § 33-5209C(4).

<sup>39</sup> Idaho Code § 33-5209C(1).

<sup>40</sup> Idaho Code § 33-5206(8).

<sup>41</sup> Idaho Code § 33-5206(8).

<sup>42</sup> Idaho Code § 33-5209B(3).

<sup>43</sup> Idaho Code § 33-5209B(3).

<sup>44</sup> Idaho Code § 33-5209B(3).

<sup>45</sup> Idaho Code § 33-5209B(5).

<sup>46</sup> Idaho Code § 33-5209B(4).

The charter holder must submit the renewal application to the authorizer by December 15, and the authorizer must vote on the application no later than March 15.<sup>47</sup>

If the charter meets all terms of its performance certificate, the authorizer shall renew the charter.<sup>48</sup> If the charter school failed to meet one or more of the terms of its performance certificate, then the authorizer may renew or nonrenew the charter.<sup>49</sup> An authorizer may grant renewal with specific, written conditions (with dates by which conditions must be met) for necessary improvements to a public charter school.<sup>50</sup> An authorizer may renew the charter for a 5 year term.<sup>51</sup>

In making its charter renewal decisions, the authorizer must ground its decisions in evidence of the school's performance over the term of the performance certificate according to the performance framework set out in the performance certificate and ensure that the data used in making renewal decisions is available to the school and the public.<sup>52</sup> The authorizer must provide a public report summarizing the basis and evidence for the decision.<sup>53</sup> The authorizer must also provide a report to the state board of education and the charter holder within 14 days of taking action to renew, not renew, or revoke a charter.<sup>54</sup>

### NONRENEWAL OR REVOCATION OF THE CHARTER

The authorizer must develop revocation and non-renewal processes that provide notice and process to the charter holders.<sup>55</sup> The authorizer must provide the charter holders with timely notification and the reasons for possible revocation or nonrenewal.<sup>56</sup> An authorizer may revoke or nonrenew if the school has failed to meet the terms of the performance certificate or has failed to meet previously specified written conditions for conditional renewal.<sup>57</sup> An authorizer may also revoke a charter if the school has failed to cure the 15 days' worth of cash on hand deficiency as specified in Idaho Code section 33-5209C(3). Generally, a public hearing is required unless the authorizer determines that the continued operation of the school presents an imminent public safety issue.<sup>58</sup>

The authorizer must allow the charter holders a reasonable amount of time in which to prepare a response and submit documents challenging the rationale for closure.<sup>59</sup> At an orderly proceeding held on prospective nonrenewal or revocation, the authorizer must allow the charter holder to be represented by counsel and to call witnesses on their behalf, give testimony challenging the rationale for closure and in support of the continuation of the school, and permit the recording of the proceedings.<sup>60</sup> After a reasonable period for deliberation, the authorizer must make its final determination in writing and send it to the charter holders.<sup>61</sup>

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<sup>47</sup> Idaho Code § 33-5209B(6).

<sup>48</sup> Idaho Code § 33-5209B(9).

<sup>49</sup> Idaho Code § 33-5209B(9).

<sup>50</sup> Idaho Code § 33-5209B(1).

<sup>51</sup> Idaho Code § 33-5209B(1).

<sup>52</sup> Idaho Code § 33-5209B(7)(a)-(b).

<sup>53</sup> Idaho Code § 33-5209B(7)(c).

<sup>54</sup> Idaho Code § 33-5209C(6).

<sup>55</sup> Idaho Code § 33-5209B(8).

<sup>56</sup> Idaho Code § 33-5209B(8)(a).

<sup>57</sup> Idaho Code § 33-5209B(8)(a).

<sup>58</sup> Idaho Code § 33-5209C(7).

<sup>59</sup> Idaho Code § 33-5209B(8)(b)-(c).

<sup>60</sup> Idaho Code § 33-5209B(8)(c)-(e).

<sup>61</sup> Idaho Code § 33-5209B(8)(f).

If the authorizer revokes or does not renew a charter, the authorizer must clearly state, in a resolution of its governing board, the reasons for revocation or nonrenewal.<sup>62</sup> The authorizer must notify the state board of education within 14 days of the nonrenewal or revocation and provide a copy of the resolution.<sup>63</sup> The authorizer must also provide a public report, as specified above in the charter renewal process.

The authorizer oversees distribution of the remaining assets of the school not used to satisfy debts. After the assets of the school are used to satisfy debts, the remaining assets are returned to the authorizer for distribution.<sup>64</sup> Assets purchased with federal funds are redistributed among other charter schools, and remaining assets are distributed to the public school income fund.<sup>65</sup>

#### **AUTHORIZER'S RESPONSIBILITIES IN CONNECTION WITH REPLICATION OF SCHOOL**

An authorizer must establish policies regarding the criteria used to evaluate a petition for replication.<sup>66</sup> The criteria must include, at a minimum, the following replication petition requirements: (a) a description of the capacity of the charter holder to successfully replicate an additional school; (b) a description of how the charter holder will manage multiple charter schools while maintaining a high level of academic and fiscal performance in the original public charter school and the replication school; and (c) a description of how the charter holder will incorporate representation and input in the school operations from the local area where the replication public charter school is physically located if the location is outside of the school district of the public charter school being replicated.<sup>67</sup>

#### **TRANSFER OF CHARTER AND PERFORMANCE CERTIFICATE**

Subject to certain limitations in the Act, a charter and the corresponding performance certificate may be transferred from one authorizer to another upon agreement of the current authorizer, the receiving authorizer, and the board of directors of the charter school.<sup>68</sup> All three parties must agree on the transfer, including any revision to the charter and performance certificate that may be required in connection with such transfer.<sup>69</sup> If the parties fail to reach agreement on the request to transfer a charter and performance certificate, the matter may be appealed directly to the State Board of Education.<sup>70</sup>

#### **NO LIABILITY FOR ACTS OF AUTHORIZED SCHOOLS**

Under the Act, the authorizer has no liability for the acts, omissions, debts, or other obligations of charter school except as may be provided in the charter.<sup>71</sup>

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<sup>62</sup> Idaho Code § 33-5209C(5).

<sup>63</sup> Idaho Code § 33-5209C(6); IDAPA 08.02.04.303.

<sup>64</sup> Idaho Code § 33-5206(9).

<sup>65</sup> Idaho Code § 33-5212.

<sup>66</sup> Idaho Code § 33-5205C(7).

<sup>67</sup> Idaho Code § 44-5205C(7)(a)-(c).

<sup>68</sup> Idaho Code § 33-5205A(1).

<sup>69</sup> Idaho Code § 33-5205A(1).

<sup>70</sup> Idaho Code § 33-5205A(3).

<sup>71</sup> Idaho Code § 33-5204(3).

**SCHEDULE I**  
**New Public Charter School Application Requirements**

 KeyCite Yellow Flag - Negative Treatment  
Proposed Regulation

Idaho Administrative Code  
Agency 08. State Board of and State Department of Education  
Title 02.  
Chapter 04. Rules Governing Public Charter Schools

IDAPA 08.02.04.202

## 202. NEW PUBLIC CHARTER SCHOOL APPLICATION REQUIREMENTS.

### Currentness

Emergency action effective July 01, 2021.

Pursuant to [Section 33-5205, Idaho Code](#), petitioners seeking to establish a new public charter school must complete an application consisting of all of the following elements: (7-1-21)T

**01. Introduction.** Briefly introduce the proposed public charter school by providing the following: (7-1-21)T

**a.** Cover page with the proposed school's name, intended opening year, general location, and the contact information for one (1) petitioner who will serve as liaison with the authorizer during the petition process; (7-1-21)T

**b.** Table of contents; (7-1-21)T

**c.** One-page (1) executive summary describing the proposed school's organizational structure, educational program, and student outcome expectations; and (7-1-21)T

**d.** Mission statement. (7-1-21)T

**02. Educational Program.** Describe the proposed school's educational program by explaining the following: (7-1-21)T

**a.** Educational philosophy; (7-1-21)T

**b.** Student academic achievement standards and any additional goals and methods for measuring achievement; (7-1-21)T

**c.** Key educational design elements, including curricula, tools and instructional methods identified to carry out the educational philosophy and meet academic and mission-specific goals, which may include evidence demonstrating efficacy of these elements; and (7-1-21)T

d. Strategies for meeting the needs of specific student populations, including, but not limited to, at-risk students, special education students, English language learners, and gifted students. (7-1-21)T

**03. Financial and Facilities Plan.** Demonstrate a sound understanding of public charter school finances and facilities needs. (7-1-21)T

a. State whether the school intends to provide transportation or food service, and provide plans for provision of these services if they will be offered; (7-1-21)T

b. Describe how the school's finances will be managed and monitored; (7-1-21)T

c. Provide a working draft of the school's prospective facilities plan, including likely facilities needs and estimated costs; (7-1-21)T

d. Provide a description of any potential facilities that have been identified and a timeline and process for securing appropriate space; and (7-1-21)T

e. Attach the following to Appendix A: Pre-opening budget and three-year operating budget, including detailed assumptions for all revenue and expenditures for each year; year one (1), break-even budget demonstrating the minimum enrollment needed to achieve a zero (0) or marginal net income balance at the end of the year; cash flow projection for the first operational year, demonstrating an understanding of charter school monetary flow; evidence of existing and anticipated funds; and evidence that projected facilities costs are reasonable within the start-up and three-year budgets. (7-1-21)T

**04. Board Capacity And Governance Structure.** Provide information about the legal entity and the individuals involved in opening the proposed school. (7-1-21)T

a. Attach copies of the nonprofit corporation's Articles of Incorporation and Corporate Bylaws to Appendix B, though note that they will not be incorporated as part of the school's charter; (7-1-21)T

b. Provide a description of the governance structure; (7-1-21)T

c. List any already identified members of the board of directors, attach their professional resumes to Appendix C, and provide any additional information about their qualifications; (7-1-21)T

d. Describe the board's plan for a smooth transition from initial founding members to subsequent members; and (7-1-21)T

e. Describe the plan for board member recruitment and training. (7-1-21)T

**05. Student Demand and Primary Attendance Area.** Demonstrate the need and community demand for the proposed public charter school in the selected location. (7-1-21)T

- a. Describe the primary attendance area and list the public school districts that overlap this area; (7-1-21)T
- b. Clearly articulate the need and demand for a school in the selected location, including demographics for the intended neighborhood. Need is the reason(s) existing schools are insufficient or inadequate and includes state performance data. Demand is evidence of desire from prospective families to attend the school; (7-1-21)T
- c. Describe the population of students the proposed school intends to serve and how the selected location supports serving such students; (7-1-21)T
- d. Provide the target enrollment by grade level and projected growth over five (5) years; (7-1-21)T
- e. Describe any community partnerships or other local support for the proposed school; and (7-1-21)T
- f. Describe strategies for informing under-served students and their families about the prospective school and the enrollment process. (7-1-21)T

**06. School Leadership and Management.** Describe the proposed school's administrative leadership structure, and provide information about any potential education service providers. (7-1-21)T

- a. Attach an organizational chart to Appendix D illustrating the proposed school's leadership structure and indicating the reporting structures of school leaders to the board. If school leaders have already been identified, include their names, contact information, resumes, and any additional information about their qualifications in the appendices. (7-1-21)T
- b. Describe the responsibilities of and relationships among school leadership, the governing board, instructional leaders, and staff, and include a plan for evaluating school leaders. (7-1-21)T
- c. If the proposed school intends to work with an educational service provider, provide the name of the company, a contact within the company, and specify in detail the extent of the entity's participation in the management and operation of the school. Attach the following to Appendix E: (7-1-21)T
  - i. A term sheet indicating the fees to be paid by the proposed school to the management company, the length of the proposed contract, the terms for the contracts renewal, and provisions for termination; (7-1-21)T
  - ii. Copies of the two (2) most recent contracts that the entity has executed with operating charter schools; and (7-1-21)T
  - iii. A detailed description of the education service provider's relationship to the school's board of directors; (7-1-21)T

iv. A detailed description of how and why the management organization or educational service provider was selected, and evidence that the organization provides high-quality service to similarly situated schools, if applicable. (7-1-21)T

**07. Supporting Documents.** (7-1-21)T

a. Appendix A -- Budgets, cash flow, additional funds. (7-1-21)T

b. Appendix B -- Articles of Incorporation and Bylaws. (7-1-21)T

c. Appendix C -- Board of Directors. (7-1-21)T

d. Appendix D -- School Administration. (7-1-21)T

e. Appendix E -- Education Service Provider. (7-1-21)T

f. Appendix F -- Optional additional supporting documents. (7-1-21)T

**Credits**

Temporary rule adopted at 21-7SE Idaho Admin. Bull. 675, eff. July 1, 2021.

Current with amendments included in the Idaho Administrative Bulletin, Volume 21-12SE, dated December 22, 2021. Some sections may be more current; see credits for details.

Idaho Admin. Code r. 08.02.04.202, ID ADC 08.02.04.202