



NATIONAL  
CHARTER SCHOOL  
RESOURCE CENTER

# High-Quality Charter Authorizing Policy Profiles: Idaho

U.S. Department of Education  
January 2020



NATIONAL  
CHARTER SCHOOL  
RESOURCE CENTER

The National Charter School Resource Center (NCSRC) provides technical assistance to Federal grantees and resources supporting charter sector stakeholders. NCSRC is funded by the U.S. Department of Education and managed by Manhattan Strategy Group in partnership with WestEd.

NCSRC acknowledges the major contributions of Robin Chait and Lauren Outlaw in the development of this profile.

NCSRC would like to thank Charter School Programs State Entity grantee representatives for their reviews and feedback on their respective State's profile.

Suggested citation: National Charter School Resource Center (2020). *High-Quality Charter Authorizing Policy Profiles: Idaho*. Bethesda, MD: Manhattan Strategy Group.

This publication was produced in whole or in part with funds from the U.S. Department of Education under contract number GS10FO201T. The content does not necessarily reflect the position or policy of the U.S. Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the Federal government.

# Idaho: Overview of State Law and Snapshot of Quality Authorizing Practices

## Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).<sup>i</sup> NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State's authorizing policies and practices; it is intended to describe the key elements of the State's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

## Overview of State Law

The Idaho State Legislature passed the State’s charter school law in 1998. The law was amended in 2012 to remove the charter school cap. In 2013, the state enacted two pieces of charter-related legislation to provide facilities funding and to strengthen charter contracts and the charter renewal process.<sup>ii</sup> In 2017, the legislature passed House Bill 279, which substantially reduced the time it takes to move through the petition process.<sup>iii</sup>

# State Authorizing Profile: Idaho

## Framework Snapshot<sup>1</sup>

### **Authorization**

- Does not cap charter school growth
- Provides for more than one authorizing pathway

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

*Performance-based contract includes and provides for the following:*

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

### **Performance Monitoring**

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### **Renewal/Revocation**

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### **Authorizer Accountability**

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

### **Authorizer Leadership, Student Access, and Student Services**

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### **Authorizer Funding**

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

**Source(s):** Idaho Code Ann. § 33-52; Office of the State Board of Education 08.02.04 – Rules Governing Public Charter Schools.

<sup>1</sup> As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

## Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

### Does not cap charter school growth

Idaho statute does not provide for any caps on charter school growth.

### Provides for more than one authorizing pathway

Idaho statute provides for several types of authorizers: a local board of trustees of a school district; the public charter school commission; an Idaho public college, university, or community college; and a private, nonprofit Idaho-based nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities. State statute provides for new school startups, replications, and traditional public school conversions.

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

### Specific application criteria

Idaho's statute specifies minimum content that must be included in charter applications, including the following elements: "(i) educational program, including student academic proficiency and growth standards and measurement methods and any mission-specific standards that may be unique to the school; (ii) financial and facilities plan; (iii) board capacity and governance structure; and (iv) student demand and primary attendance area."<sup>iv</sup>

Conversion charter schools must also include signatures of "not less than 60% of the teachers currently employed by the school district at the school to be converted and by one (1) or more parents or guardians of not less than 60% of the students currently attending the school to be converted."<sup>v</sup>

### Timelines

State statute articulates a timeline and process for the charter review and approval. Boards of trustees must review a charter application within 75 days of receiving it and must hold a public hearing on the charter during that time period. If the Board does not review it within that time period, the applicants may submit their application to the Public Charter School Commission. Following the review and public hearing, the authorizer must approve or deny the charter, or indicate that the application has deficiencies. In the case that the application has deficiencies, the authorizer must state what the deficiencies are and give the applicant 30 days to revise the application. The authorizer must then review the revised application within 45 days and either approve or deny it.

### Evaluation review process

State statute articulates a timeline and process for charter review and approval as described above but does not specify the criteria that must inform the approval or denial decision.

## Process for denied applications

State statute requires that authorizers make decisions to approve or deny charter applications after a public hearing. State Administrative Code requires that denials be made in writing and specify “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 the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity.”<sup>vi</sup>

State statute provides for an appeals process—denials “may be appealed to the state superintendent of public instruction within 30 days of the date of the written decision.”<sup>vii</sup>

*Performance-based contract includes and provides for the following:*

- ☒ Separate post-application agreement
- ☒ Rights and responsibilities of authorizer and school
- ☒ Academic, financial, and operational performance expectations for schools
- ☒ Initial term of not more than five years
- ☒ Fiscal, legal, and programmatic autonomy for schools
- ☒ Independent charter school governing boards

## Separate post-application agreement

State statute describes a “performance certificate” that is separate from the charter contract and must be signed by the president of the authorized chartering entity’s governing board and the president of the public charter school’s governing body. Additionally, “within 75 days of approval of a charter application, the authorized chartering entity and the governing board of the approved public charter school shall execute a performance certificate that clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged.”<sup>viii</sup>

## Rights and responsibilities of authorizer and school

The performance certificate must articulate both the authorizer and school’s rights and responsibilities. Specifically, the performance certificate must describe “the administrative relationship between the authorized chartering entity and public charter school, including each party’s rights and duties.”<sup>ix</sup> In addition, “the performance expectations and measures set forth in the performance certificate shall include, but need not be limited to, applicable federal and state accountability requirements.”<sup>x</sup>

State administrative code also outlines the governing board of the charter school and authorizer’s respective responsibilities.<sup>xi</sup> The governing board of a charter school is responsible for duties including ensuring adequate staffing; ensuring compliance with federal and State education standards, laws, rules, and regulations; ensuring compliance with the performance certificate; and submitting an annual audit and report. The authorizer is responsible for duties including “monitoring the public charter school’s operations in accordance with all of the terms and conditions of the performance certificate”<sup>xii</sup> and reviewing the charter and making a decision about renewal based on performance certificate targets.

## Academic, financial, and operational performance expectations for schools

The authorizer and governing board of the charter school must execute a contract, or “performance certificate” that “clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged and the administrative relationship between the authorized chartering entity and public charter school, including each party’s rights and duties. The performance expectations and measures set forth in the performance certificate shall include, but need not be limited to, applicable federal and state accountability requirements.”<sup>xiii</sup>

The performance expectations in the contract must be based upon a performance framework that must include measures such as student proficiency, student growth, college and career readiness, and board performance and stewardship.

## Initial term of not more than five years

Charters are granted for an initial term of five years.

## Fiscal, legal, and programmatic autonomy

Charter schools in Idaho function independently of the board of trustees of the school district in which they are located and are considered governmental entities. Charter schools can engage in the following duties, indicating their fiscal, legal, and programmatic autonomy: “sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district.”<sup>xiv</sup> Charter schools are automatically exempt “from rules governing school districts which have been promulgated by the state board of education, with the exception of State rules relating to:

- (i) teacher certification as necessitated by the provisions of section 33-5205(3)(g), Idaho Code;
- (ii) accreditation of the school as necessitated by the provisions of section 33-5205(3)I, Idaho Code;
- (iii) qualifications of a student for attendance at an alternative school as necessitated by the provisions of section 33-5208(3), Idaho Code;
- (iv) requirements that all employees of the school undergo a criminal history check as required by section 33-130, Idaho Code;
- (v) rules promulgated pursuant to section 33-1612, Idaho Code; and
- (vi) all rules which specifically pertain to public charter schools promulgated by the state board of education.<sup>xv</sup>

## Independent charter school governing boards

Idaho statutes provides for independent charter schools boards. The law also specifies that “the board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located or independently of the public charter school commission, except as provided in the charter.”<sup>xvi</sup>

## Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### **Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract**

Charter authorizers are required to publish an annual report on the performance of each charter school in its portfolio based on the performance framework. The law also states that “each authorized chartering entity shall annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and section 33-5209A, Idaho Code.”<sup>xvii</sup>

### **Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements**

Authorizers are required to “continually monitor the performance and legal compliance of the public charter schools it oversees including collecting and analyzing data to support ongoing evaluation according to the performance certificate.”<sup>xviii</sup> Charter schools' accountability is based on a performance framework that outlines academic and operational performance indicators and measures. The performance framework must include the following components:

- (i) student academic proficiency;
- (ii) student academic growth;
- (iii) college and career readiness (for high schools); and
- (iv) board performance and stewardship, including compliance with all applicable laws, regulations and terms of the performance certificate.<sup>xix</sup>

Authorizers are also required to analyze and report all data from State assessments for each charter school they oversee and to publish an annual performance report for each charter school they oversee.

### **Minimizes schools' administrative and reporting burden**

The statute does not reference minimizing administrative burden for charter schools.

### **Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)**

The statute provides an option for authorizers to grant renewal with specific requirements for improvement that the charter school must meet by a specific date.

## Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### Establishes a clear renewal process and decision-making criteria

The statute outlines a clear renewal process and criteria for making renewal decisions. Each authorizer is required to issue a school performance report and renewal application guidance by November 15 to all charter boards that are up for renewal the following year. In making the renewal decision, the statute requires authorizers to consider evidence of the school's performance according to its performance framework and ensure that data used in making the decision are made public. The statute also requires that authorizers provide charter holders with "a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure."<sup>xx</sup>

### Requires that decisions to renew/revoke be based on student academic achievement

In making the renewal decision, the statute requires authorizers to (i) "ground its decisions in evidence of the school's performance over the term of the performance certificate in accordance with the performance framework set forth in the performance certificate;" (ii) "ensure that data used in making renewal decisions are available to the school and the public;" and (iii) "provide a public report summarizing the evidence basis for each decision."<sup>xxi</sup>

### Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizers are required to develop protocols for school closure that include "timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property and assets in accordance with the requirements of this chapter."<sup>xxii</sup>

## Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

### Provides for a registration process for eligible authorizing entities

State statute does not require a registration process for eligible authorizing entities.

### Requires the State entity to review authorizers' performance

State statute does not require that the State entity review authorizers' performance.

### Requires authorizers to adhere to standards for high-quality authorizing

The statute does not require that authorizers adhere to standards for high-quality authorizing.

## Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### Requires a mission or strategic vision for authorizing

State statute does not require each authorizer to develop a strategic mission or vision for authorizing.

### Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

State statute requires the Idaho Department of Education to offer technical assistance to authorizers and charter school applicants. The law further specifies that “upon request, the state department of education shall provide technical assistance to persons or authorized chartering entities preparing or reviewing charter petitions or performance certificates, and to existing public charter schools in the same manner as such assistance is provided to traditional public schools and school districts.”<sup>xxiii</sup> Charter school applicants are also required to attend workshops offered by the state department of education.

### Ensures equitable access to all students

Idaho statute requires that charter schools have open admissions policies with limited exceptions for replication and conversion schools and do not “discriminate against any student on any basis prohibited by the federal or state constitution or any federal, state or local law.”<sup>xxiv</sup> Idaho statute requires that in cases of over-enrollment, charter schools admit students using a lottery or other random method with some exceptions.

### Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Idaho statute requires that charter schools comply with the Individuals with Disabilities Education Act (IDEA). State administrative rules also require that charter petitions include “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.”<sup>xxv</sup>

## Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

### Provides a mechanism for guaranteed access to authorizer funding

State statute provides that every charter school should pay a fee to its authorizer “to defray the actual documented cost of monitoring, evaluation and oversight.”<sup>xxvi</sup> In addition, the Idaho

Public Charter School Commission is funded by a State appropriation and fees assessed from the charter schools it authorizes.<sup>xxvii</sup>

**Includes a process for holding authorizers accountable for how funding is used**

State statute does not include a vehicle for holding authorizers accountable for how funding is used.

## Endnotes

- <sup>i</sup> Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)–<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking–<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law–<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>
- <sup>ii</sup> Hunt-Kean Leadership Fellows, *The Hunt Institute, School Choice State Summary, Idaho* (2015). Retrieved from [http://www.hunt-institute.org/wp-content/uploads/2015/04/ChoiceSummary\\_Idaho.pdf](http://www.hunt-institute.org/wp-content/uploads/2015/04/ChoiceSummary_Idaho.pdf)
- <sup>iii</sup> Idaho Charter School Network website, About Charter Schools. Retrieved from <https://idahocsn.org/charters/#1532988160790-e49e9b77-63f4>
- <sup>iv</sup> Idaho Code Ann. § 33-5205(3).
- <sup>v</sup> Idaho Code Ann. § 33-5205(7).
- <sup>vi</sup> IDAPA Office of the State Board of Education 08.02.04 – Rules Governing Public Charter Schools, p. 10.
- <sup>vii</sup> Idaho Code Ann. § 33-5207.
- <sup>viii</sup> Idaho Code Ann. § 33-5205B.
- <sup>ix</sup> *Id.*
- <sup>x</sup> *Id.*
- <sup>xi</sup> IDAPA Office of the State Board of Education 08.02.04 – Rules Governing Public Charter Schools, p. 10.
- <sup>xii</sup> *Id.*
- <sup>xiii</sup> Idaho Code Ann. § 33-5205B.
- <sup>xiv</sup> Idaho Code Ann. § 33-5204.
- <sup>xv</sup> Idaho Code Ann. § 33-5210(4).
- <sup>xvi</sup> Idaho Code Ann. § 33-5204.
- <sup>xvii</sup> Idaho Code Ann. § 33-5209C(2).
- <sup>xviii</sup> Idaho Code Ann. § 33-5209C.
- <sup>xix</sup> Idaho Code Ann. § 33-5209A.
- <sup>xx</sup> Idaho Code Ann. § 33-5209B(8)(a).
- <sup>xxi</sup> Idaho Code Ann. § 33-5209B(7).
- <sup>xxii</sup> Idaho Code Ann. § 33-5212(1).
- <sup>xxiii</sup> Idaho Code Ann. § 33-5211.
- <sup>xxiv</sup> Idaho Code Ann. § 33-5206.
- <sup>xxv</sup> IDAPA Office of the State Board of Education 08.02.04 – Rules Governing Public Charter Schools, p. 5.
- <sup>xxvi</sup> Idaho Code Ann. § 33-5208-8.
- <sup>xxvii</sup> *Id.*