SHACKLED
EDUCATION PIONEERS
Idaho’s Public Charter Schools at 20
by Terry Ryan and Julie Hahn
As Idaho marks 20 years since the first charter schools opened in the Gem State in 1998 it is worth looking back at how the public charter movement started here. That’s the primary purpose of this report. But, as one revisits the history of Idaho’s public charter school program it is helpful to note how the effort has strayed from its original intent of allowing significant space for education innovation.

When launched back in 1998 the legislative intent of the state’s charter school program was “to serve as learning laboratories with hope that successes could potentially be applied throughout the larger public education system.” But, like in other states, the political compromises required to pass the original charter law minimized the actual space for innovation. Worse, Idaho’s charter law has been modified almost annually and many of these changes have reduced even further the ability of public charters to really operate much differently from traditional public schools.

The Office of Performance Evaluations (OPE) reported to the Idaho Legislature in March 2013 that “the charter school laws have been amended 84 times since 1998.” Further changes to the state charter school law were applied in 2013 and in each year since.

In 2017 House Bill 279 was signed into law by Governor Otter that streamlined the procedures for opening new charter schools by simplifying the process, compressing the timeline and clarifying expectations for schools and authorizers, while at the same time maintaining standards for new charter petitions. But, the bolder effort in House Bill 258 to allow “charter schools with a proven track record of high performance to hire teachers with professional expertise, who are qualified to teach at the college level, or who hold a degree in the field in which they would be teaching, regardless of certification” faced stiff opposition from traditional education groups and failed to get a hearing in the House or Senate.

Fact is, and quite ironically, 20 years on Idaho’s charter schools have become the most regulated public schools in the state. The state’s charter schools are required to follow the majority of the federal and state issued rules and regulations that apply to traditional public district schools, and like traditional district schools charters must operate within the parameters of more than 25 distinct funding silos that prescribe how schools must spend their money.

But, unlike traditional district schools, charter schools must also comply with the oversight of charter school authorizers. In Idaho, public school districts and the Idaho Public Charter School Commission serve as charter authorizers. State law also allows public colleges and universities, and private nonsectarian colleges and universities, to serve as authorizers, but none have chosen to do so. Every one of Idaho’s 52 charter schools have to have an authorizer, the entity that approves the school and determines, on the basis of performance, whether to extend or end a charter’s right to operate.

The 36 charter schools authorized by the state’s public charter school commission, for example, sign a performance certificate with the commission. This spells out in detail how charter schools will be held accountable for their academic, fiscal and compliance performance. That would be fair and meet the original
intent of Idaho’s charter school law if things stopped there, but Idaho’s charter schools are getting very few of the operational flexibilities from state rules and regulations for this extra level of performance accountability.

Idaho’s charter school law has, not surprisingly, forced the state’s charter schools to look and operate a lot like traditional district schools, but with fewer taxpayer dollars. Under Idaho law charter schools receive all state and federal dollars afforded traditional public school districts. Charters do not, however, have access to any local levy or bond dollars. The typical public charter school receives about $1,491 per pupil less than traditional district schools.

After 20 years of effort, it is time to revisit the big ideas behind charter schools in Idaho. How can we return to the charter idea of accountability for performance in exchange for true operational flexibilities and the right to be different in uses of money, time, technology and non-certified staffing? Idaho’s system of education needs this engine of reform, and the state’s families and children want it.

Despite the many challenges and constraints, Idaho’s charter schools have earned the right to the operational flexibilities that defined the intent of the original charter school law.

Annually, some of Idaho’s highest-performing public schools are public charter schools. Recent public opinion polls from Idaho Education News show most Idahoans support public charter schools and would like to see more of them. As a group, these schools deliver an excellent Return on Investment for the state’s taxpayers with charter schools getting less than one quarter of the amount of taxpayer-supported facilities funds that district schools receive. In 2017, there were somewhere between 6,500 and 11,000 students who wanted to attend a public charter school, but were on waitlists. If the 22,000 or so students enrolled in Idaho’s charters were all in one school district, it would be the third largest district in the state after West Ada and Boise School districts.

What could Idaho’s public charter school sector deliver in the next 20 years if they were given some of their operational flexibilities back?

Students greet incoming families during Exhibition Night at Anser Charter School.
THE CHARTER SCHOOL IDEA

The early thinking that led to the creation of public charter schools originated with a University of Massachusetts-Amherst education professor named Ray Budde. He proposed in the 1970s letting teachers create semi-autonomous schools that would combine enhanced teacher freedoms and flexibilities with stringent accountability for student results. His 1988 book, *Education Charter: Restructuring School Districts*, outlined his plan for what would from then on be known as “charter schools.”

That same year, Albert Shanker, the influential president of the American Federation of Teachers (AFT), embraced the charter school concept at a speech he gave to the National Press Club in Washington, DC. Shanker was the first major figure in American education to propose charter schools. At the AFT’s August 1996 national conference in Cincinnati Shanker explained his support for charter schools to his delegates this way: “the goal of charter schools should not be innovation for its own sake, but innovation for improved student achievement.”

Minnesota was the first state to approve a charter school law. Ember Reichgott Junge, the Democratic state senator who crafted Minnesota’s law, argued “the purpose of the chartering legislation was to give freedom to parents and teachers to create new schools outside the existing system.”

Despite predictable union opposition Minnesota’s first charter school opened its doors in 1992. Several states quickly followed suit: California, Colorado, Georgia, Massachusetts, Michigan, New Mexico, and Wisconsin had all approved charter school legislation by the end of 1993.

The emergence of the charter school movement in Idaho coincided with the tenure of Boise Republican state representative Fred Tilman, who would make his mark as one of Idaho’s most dogged proponents of school choice.

Tilman’s connection to school choice began in the 1980s, when his son started public school. “As parents, we did all the things they tell parents to do — read with them, work with them, just try to instill that love for learning and keep it alive,” he recalled. “He got to public school, and the light bulb just turned off.”

Tilman had been working with the Idaho Association of Commerce and Industry, (IACI), on its education committee. At business roundtables and conferences across the country, IACI members heard about charter school legislation and grew more enthusiastic about bringing this school reform strategy to Idaho. Charter school advocates had some heavy hitters batting for them: The American Legislative Exchange Council, the National Conference of State Legislators and even President Bill Clinton who signed the first federal charter school grant support program into law in 1994.

“There are some other state legislative groups, ALEC and NCSL, they all started getting involved in this because there were legislators demanding more and more information on it because there was interest from their public,” Tilman said. “People were hearing about these things, plus the fact that there were enough charter schools that were getting tremendous results with the kids that were attending.”

Tilman won his seat in the Legislature in 1990 and began working on offering alternatives to traditional public schools, including charter schools. He introduced charter school legislation in the early 1990s, but despite Idaho’s conservative politics that effort gained no traction until, as Tilman says, he began referring to charters as “public charter schools.”
In 1995, Tilman’s charter school legislation passed the Idaho House, but died in the Senate Education Committee. Assistant Superintendent of Coeur d’Alene Schools Dave Teater, speaking language first used by teacher unions in Minnesota in their failed attempt to kill charters in the cradle, called it “a step closer to using public funds for private schools.”

But Tilman’s efforts had earned a powerful if unlikely ally - the Idaho Education Association, which agreed to support the bill once Tilman added language that public charter schools could hire only certified teachers. Tilman reintroduced the legislation in 1996, and it once more passed the House, 40-30. But it again ran into opposition in the Senate. Gary Schroeder, Tilman’s Senate counterpart, added extensive amendments to the bill. Schroeder said any changes to the school system should “enhance and make better the public school system, not come up with alternatives.”

The amended bill was kicked back to the House, which refused to pass it. The legislation would have to wait until 1997. But to resolve the issues — which, at this point, didn’t seem to be going away — Schroeder and Tilman would have to work together.

They convened an interim legislative committee on charter schools that toured the state and held seven meetings to gather input for a new round of legislation. “Idaho schools are not going to improve until you change them,” said Republican Senator Darrel Deide, a member of the committee. “The idea of charter schools will facilitate the possibility of improvement.”

Their listening tour over, Schroeder and Tilman went back to the drawing board and drafted what would eventually become the basis for Idaho’s charter school law. “I think what we did as a committee was to write the best charter school bill we could in the context of what people told us,” Schroeder told the Lewiston Morning-Tribune. “The bill reflects the public testimony.” From the start, Idaho’s charter school law was a consensus document that tried to balance the charter school idea of operational freedom for accountability, with the many concerns of traditional education groups about giving charter schools too many competitive advantages.

Schroeder and Tilman’s bill went through intense public hearings in the Senate: every chair was filled as people waited to give testimony. Several lobbying groups had thrown their weight behind the bill, including the IEA, IACI, the Boise Area Chamber of Commerce and the Idaho Farm Bureau. This time, the bill passed the Senate, 34-1. Governor Phil Batt signed the bill into law, which became effective on July 1, 1998.
Students work on expressing gratitude at Future Public School’s Rocket to the Moon program.
IDAHO’S EARLY CHARTER SCHOOL PIONEERS

Idaho law now allowed charter schools, but made it hard to actually open any. In 2008 the Center for Education Reform rated Idaho’s law the “14th weakest of the nation’s 41 charter laws.”18 Under the original law only school districts could authorize charter schools, that is allow them to open and operate. This was problematic because few district officials even knew what a charter school was, let alone had any interest in launching schools that would compete with their schools for students and the state and federal dollars that followed them.

Marilyn Howard was principal of a public school in Moscow when the law was first passed. She contacted fellow administrators in her region for their thoughts about these new types of public schools. “I sent an email out and basically asked, ‘What is your opinion of charter schools?’” Howard said. “I got back one response, which said, ‘What is a charter school?’ The point I’m trying to make here is that the impetus for charter schools did not come from school people. School people were pretty much unaware of the charter movement.”19

That changed as time went on — some of the first charter schools in Idaho were founded by educators — but parents certainly played an outsize role in the founding of Idaho’s earliest charters. Under the original law, charters had to be approved by their home school districts. But the road was not always smooth when founders’ enthusiasm and lack of school administration experience met the skepticism, financial, and practical concerns of the school districts.

“The relationship between charter schools and traditional schools has been rocky, at best,” remembers Karen Echeverria, current executive director of the Idaho School Board Association.

Making the relationship harder was a lack of a formal application process for charter schools and their authorizing districts. Passions ran deep on both sides: some parents and school administrators wanted to protect their traditional schools, while other parents and teachers wanted to strike out on their own and open new and different types of schools.

One of the most contentious relationship in the early years was between the founders of Nampa Charter School (now known as Liberty Charter School) and Nampa School District officials. Gayle O’Donahue, community relations and federal programs manager at Liberty Charter School, recalled an early meeting when she and another founder were confronted by an angry anti-charter school backer.

“One of the early people who was really against all of this came up to us and was just angry,” O’Donahue recalls. “(The other founder) said, ‘So what do you want us to do? What would make this right?’ She said, ‘I won’t be happy until you are both in jail. That is my goal.’

(Continued on page 8)
Bill Proser was a legendary teacher long before he founded Coeur d’Alene Charter Academy in 1998. The English teacher earned a reputation at Coeur d’Alene and Lake City high schools for challenging his students. “I have a high opinion of their brains,” he says. “Anything I can understand, they can understand if I can explain it.”

When charter schools were approved in 1998, Proser took the opportunity to establish his philosophy of sky-high standards and teacher freedom at his own institution: Coeur d’Alene Charter Academy.


The school is famously — some might say infamously — challenging. The students read the classics. They must wear uniforms. Homework is weighty and time-consuming. Honor, integrity, and a diehard commitment to learning are prized. Every year, the academy loses students who prefer to transfer rather than endure the rigorous pace.
“You have to study hard or you fail,” Proser said. “We created a culture where education is a top priority.”

The Coeur d’Alene School District originally authorized the school but cut ties in 2013 in what former Superintendent Matt Handelman called “an amicable divorce.” The school is now authorized through the Idaho State Charter School Commission.

Coeur d’Alene Charter Academy was consistently ranked as one of the nation’s top high schools, but recently has been ignored by U.S. News and World Report, which issues an annual list of ranked schools. The snub may be unintentional and based on data suppression by the State Department of Education, but it has affected the academy’s ability to recruit.

The school recently ended an era, as well. Proser retired from the school in 2017. In an interview in the Coeur d’Alene Press about his long career, Proser refused to take credit for the school’s success. “It’s the faculty that makes the difference,” he said. “It’s the teacher that makes the difference, that’s my opinion.”

Students feel a sense of connection to each other and the world at Anser Charter School.
IDAHO’S EARLY CHARTER SCHOOL PIONEERS

(Continued from page 4)

Not all school districts were opposed to charter schools in the early days. The Boise School District, for example, approved Anser Charter School in 1998, which was founded by a group of teachers from within the district. The district backed Anser and its expeditionary learning program even though people argued it hurt Boise’s bottom line. The Boise School District cut 15 teacher positions in 1999 because of declining enrollment — 350 fewer students, with a third of those students leaving for Anser. In 2017 Anser is a thriving school serving almost 400 K-8 students, and faces pressure from parents and the larger community to grow. Despite its success, 20 years on Anser remains the only charter school authorized by the Boise School District.

The fight over money continued long past the opening of the first charter schools in the late 1990s. This was especially true in Idaho’s more rural school districts. In 2008, 10 percent of Gooding School District’s students transferred to North Valley Academy, leading to a heated battle and new legislation to improve communication between charters and traditional public schools. Gooding has a population of less than 4,000. “I’m not sure they totally understood what they were doing, the ramifications of putting a charter in a rural school district,” Gooding Elementary School teacher Gus Spiropulos said. “Now they know.”

From the start charter schools in Idaho faced allegations that they pulled the highest-performing students out of traditional public school classrooms and didn’t reflect the diversity of the communities they served. In 2015, a Boise-based organization, Centro de Comunidad y Justicia, filed a complaint with the U.S. Department of Education. “Idaho’s charter school system has evolved into an unequal public school system that discriminates against students of color, LEP students, students with disabilities (many of whom are Latino), and students from low-income families,” the group wrote in the complaint. The U.S. Department of Education, apparently finding little merit in the complaint, never acted on it.

For public charter schools with a waiting list students who wish to attend must apply via a lottery system, which is meant to ensure fairness. Charter schools faced, and continue to face, some unique challenges in Idaho. They receive no local tax revenues. This means charters operate in many Idaho school districts with fewer dollars per student than do their district peers.

For example, Boise High School (with a free and reduced-price lunch population of 21 percent) receives $8,044 per student while Sage International Charter School in Boise (with a free and reduced-price population of 19 percent) receives just $5,407 per student. While charter schools can receive an annual appropriation of 60 percent of the estimated transportation costs from the state, not all charter schools provide busing.
ANSER CHARTER SCHOOL

» Number of students upon opening: 112
» Number of students now: 377
» Year opened: 1998
» Curriculum: Expeditionary Learning
» Grades served: K-8

ANSER might be the most famous charter school in Idaho. It has certainly received the most media attention: As Boise’s first charter school, it was put in the spotlight early. It has retained the limelight thanks to its test scores, its boundary-pushing math program, and its focus on teacher autonomy and education.

The school was the brainchild of a group of Boise School District teachers who had answered a question proposed by Darrel Burbank, principal of Garfield Elementary: What would a dream school look like? One of the teachers who answered was Suzanne Gregg.

“We weren’t unhappy with the district, we just thought there was a different way,” she said. “The district treated us very, very well as teachers.”

Although there was a lot of enthusiasm, their efforts to make significant changes at Garfield were a “no go,” Gregg said. “We were just beyond our time.”

When charter school legislation came on the horizon, Gregg and her fellow educators began toying with the possibility of finally opening their own dream school. They worked on the project in their off hours, submitted their proposal to the Boise School District in 1998. The district approved the charter in 1998, and Anser opened in a vacant office building in 1999.

Eight years later, Gregg had become Anser’s education director and the school had doubled in size and moved to a location in Garden City. Around the same time, Anser started working with a parent, Jonathan Brendefur, a professor at Boise State who introduced Mathematical Thinking for Instruction Methods. His involvement, and teachers’ willingness to learn a new style of math instruction, gave Anser a head start on what is now known as Common Core math. Anser is now a national leader in the subject.

Anser has a long waiting list, but Gregg — who is now retired — said the school is committed to staying small. “If you’re looking at a child’s social, emotional, academic, and moral being, you can’t do that in a 1,000-kid school,” Gregg said.

8 Ibid.
IDAHO CHARTER SCHOOLS 2.0

As Idaho parents and educators began trying to open charter schools, concerns mounted about how to oversee them and hold them accountable for their performance. To become a legal charter school, founders had to craft a charter agreement — a document that covered the school’s mission, curriculum, compliance with statutes and operational policies — while at the same time securing a building that could hold classes. Despite these challenges by 2003, there were 16 charter schools open around the state.25

Governor Dirk Kempthorne, who was elected in 1998, followed the lead of other charter school states and proposed in 2004 the creation of a state charter school commission staffed with seven governor-appointed commissioners who would have the authority to authorize public charter schools statewide. The reaction to this independent charter school authorizer was swift and laid bare the simmering tensions around public charter schools.

“That statewide thing is just rotten,” said Republican Senator Tom Gannon of Buhl. “It takes out of local hands any control over the creation of a charter school. You gotta realize the places I represent — Buhl, Filer, Castleford, Homedale, Marsing — you could destroy the public school system.”26

The Parent-Teacher Association, the Idaho Education Association (which had endorsed Kempthorne’s gubernatorial opponent, Democrat Jerry Brady) and many rural state legislators opposed the proposed Idaho public charter school commission. Idaho Statesman political columnist Dan Popkey wrote, “Governor Dirk Kempthorne is attempting to grab power from the elected trustees in 114 school districts for himself” and pegged the move as retribution for the IEA’s support of Brady.”27

Supporters of the proposed commission included Republican Representative Lee Gagner of Idaho Falls and Senator Patti Ann Lodge of Huston, both members of the powerful Joint Finance-Appropriate Committee.28 Ultimately the Idaho Senate — against the advice of the Senate Education Committee — approved the governor’s charter school reforms, including the seven-member commission.

The new legislation also allowed charter school founders to take up to 10 percent of a school’s enrollment slots, required a new lottery and annual waiting list, limited the number of new charters that could open in Idaho to six per year, and required that residents of a school’s attendance area be notified when enrollment opportunities became available.

Kempthorne signed the charter school legislation into law on April 1, 2004.29
POCATELLO COMMUNITY CHARter SCHOOL

» Number of students upon opening: 144
» Number of students now: 360
» Year opened: 1999
» Curriculum: Expeditionary Learning
» Grades served: K-8

Marjanna Hulet, one of the founders of Pocatello Community Charter School, remembers the sinking feeling that set in when she realized that her son — then in kindergarten — didn’t like going to class.

“School is everything,” she said. “School should be fun and exciting. It shouldn’t be boring in kindergarten, for pity’s sake.”

It was the 1990s, and charter school legislation had not yet passed. Hulet didn’t feel like her complaints were registering with her child’s school, so when Rep. Fred Tilman came to her area to talk about charter school legislation, she was all ears. For the first time, she felt empowered to do something.

Hulet began meeting regularly with a “ragtag” group of parents who would go on to become the parents of Pocatello Community Charter School. The group had to learn everything from scratch: how to write an operating plan, how to hire teachers. The founders eventually settled on an expeditionary learning curriculum that places premiums on self-discovery, service, and the outdoors.

“We just figured, very naively, that the world would be their classroom — they wouldn’t need any textbooks,” Hulet said.

The group also had to wait for charter school legislation to pass, then had to earn approval from their authorizing district. It was not an easy road to navigate.

“They were always ready to start a fight and we never would,” Hulet said of the district. Pocatello Community Charter is still authorized by the Pocatello School District.

The school (complete with textbooks) has grown and changed since its founding in 1999, adding additional grades and maintaining a waiting list. Although her children — including the kindergartner who started her on the charter school path — have graduated from the school, Hulet still gets enthusiastic about Pocatello Community Charter and the influence enthusiastic founders can have.

“If you have a real vision for what you want, you can do it,” she said.
CHARTERS ARE HERE TO STAY

The new law opened the doors to the creation of more charter schools. “That’s really, I think, when you saw the increase in the number of charter schools,” Karen Echeverria said. But the same problems that dogged early founders persisted. Chief among them: Buildings and how to pay for them.

“Every time I meet with other people who are interested in charter schools, it’s the number one issue that comes up,” said Mary Lang, the founder of Moscow Charter School. “It plagues all of us — housing and buildings that will meet the code that we need to have a school.”

Idaho’s charter schools have found homes in some very non-traditional places: Strip malls, former grocery stores, industrial parks. The startup costs are formidable, said Chris Yorgason, an attorney who represents charter schools. “Usually you have escalating lease payments every year, so until you can get your finances in order, you’re always chasing that lease.”

Even if a charter school finds a proper location, impatience can get in the way of founders’ good intentions, Yorgason said. It takes eight months to a year from the time founders start the charter school application process to the time they get it approved. Ideally, Yorgason said, founders should be willing to wait up to two years to get their finances, paperwork, and management team in order.

Charter schools initially received support from private organizations and public funding. After an initial study period, the J.A. and Kathryn Albertson Family Foundation announced in 1999 that over the next four years it would offer up to $100,000 to new charter schools, plus the same computer-based reading programs it offered to traditional public schools.

In 2006, Idaho’s charter school program received a competitive federal Charter School Program grant of $21.6 million. This program, first launched by President Bill Clinton in 1994, allowed Idaho’s charter school program to expand significantly. Those grant dollars supported the development of schools that collectively educated 19,786 students or more than 90 percent of students enrolled in Idaho public charter schools in 2017. The Idaho State Department of Education refused to apply for these charter start-up grant dollars in later years, ironically, citing cumbersome rules.

Financial woes were — and are — the most common reasons for failure among Idaho charter schools. Idaho ranks 49th in the nation in per student spending. Seven of the nine charter schools that have closed since 1999 cited financial problems as the main reason for closure. Despite the financial challenges, however, there were 50 public charter schools operating in Idaho in 2017 and they collectively served more than 22,000 students, or about seven percent of the state’s public school K-12 population.
Student diversity is another ongoing concern. In 2016, Tamara Baysinger, head of the Public Charter School Commission, released a report stating that Idaho’s charters are much less diverse than state public school averages. Idaho State Department of Education student data shows Idaho’s public charter schools are not as diverse as state averages, or as diverse as school districts such as Nampa Public School District. Yet, as table 1 demonstrates, Idaho’s charter schools compare well to the state’s two largest school districts – West Ada Public School District and the Boise Independent District.

Table 1: Student Demographics, Sampling of 3 Big Districts and Public Charters (2015-16)³⁸

<table>
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<th></th>
<th># of Students</th>
<th>% Low-Income</th>
<th>% Hispanic</th>
<th>% White</th>
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<td>Idaho state average</td>
<td>287,588</td>
<td>46%</td>
<td>18%</td>
<td>76%</td>
</tr>
<tr>
<td>W. Ada School District</td>
<td>37,393</td>
<td>23%</td>
<td>10%</td>
<td>82%</td>
</tr>
<tr>
<td>Boise Independent District</td>
<td>25,927</td>
<td>36%</td>
<td>12%</td>
<td>76%</td>
</tr>
<tr>
<td>Nampa School District</td>
<td>14,852</td>
<td>68%</td>
<td>35%</td>
<td>61%</td>
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<tr>
<td>Idaho charter average</td>
<td>21,013</td>
<td>35%</td>
<td>10%</td>
<td>82%</td>
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</tbody>
</table>

While Idaho’s charter school sector needs to do more to provide public school options for all students there is little doubt current schools have provided the state with innovative approaches to curriculum and learning. The Harbor Method, pioneered by Idaho charter school founder Rebecca Stallcop, combines high expectations and strict discipline and has been adopted by some Boise traditional public schools. The Idaho Arts Charter School in Nampa has provided its students with award-winning opportunities not only to participate in the arts but to garner scholarships to colleges and universities across the country for the performing arts.

Four of Idaho’s top five performing public high schools on the 2017 SAT were public charter schools.³⁹ Not surprisingly, many of the state’s charter schools still maintain waiting lists that number into the thousands. And despite a nationwide drop in support for charter schools, 54 percent of Idaho residents believe charter schools perform better than traditional public schools.⁴⁰

For Marjanna Hulet, a founder of Pocatello Community Charter School — one of the first charters in the state — Idaho’s charter experiment has paid off for herself and her children.

“This school is still my dream school,” she says.
ACKNOWLEDGMENTS

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Idaho charter schools welcome all students.