



as Exhibit D indicates that the report was funded by the U.S. Department of Education through the National Charter School Resource Center. The Petition states that the Charter Commission employee did not apply for or accept employment from NACSA. The Petition does not allege that any Charter Commission employee acted inappropriately or in violation of state law or Board policy.

In essence, the Petition is filed on behalf of a private citizen seeking investigation of a private entity and its former CEO, and seeking rulings as to whether the former CEO of the private entity violated of the Bribery and Corrupt Influences Act and the Ethics in Government Act. The Petition also cites to IDAPA 15.04.01.024 which simply and generically requires [a]ll appointing authorities shall establish such policies and standards necessary to prevent conflicts of interest”.

The Commission does not have jurisdiction to entertain the Petition and it is dismissed pursuant to IDAPA 15.04.01.201.04. Of primary note, Idaho Code § 67-5232 is within the Idaho Administrative Procedure Act (“APA”) and is inapplicable to proceedings before the IPC. Swisher v. State Dept. of Environmental and Community Services, 98 Idaho 565, 569-70 (1977). The Commission’s subject matter jurisdiction is limited as authorized by Idaho Code §67-5316:

APPEAL PROCEDURE. (1) Appeals shall be limited to the following:

- (a) Any classified employee who has successfully completed the entrance probationary period may, after completing the departmental due process procedure, appeal a disciplinary dismissal, demotion or suspension.
- (b) Any classified employee may, after completing the departmental problem solving procedure, appeal the failure of an appointing authority to provide a right and/or benefit to which the employee is entitled by law.
- (c) Any interested person may appeal any decision or action taken by the administrator of the division of human resources or the staff of the division of human resources in the performance of their official duties.
- (d) Any interested person may appeal any other matters as may now or later be assigned to the personnel commission by law.

None of the limited jurisdictional grounds are presented by the Petition. The IPC does not have statutory authority providing it jurisdiction to enforce the cited statutes, let alone rule on the applicability of the cited statutes to NACSA and its former CEO.

For this reason, Appellant's appeal is hereby DISMISSED.

### STATEMENT OF APPEAL RIGHTS

This decision is the final order of the Commission pursuant to IDAPA 15.04.01.201.04. Either party may appeal this decision to the District Court. A notice of appeal must be filed in the District Court within forty-two (42) days of the filing of this decision. Idaho Code § 67-5317(3).

The District Court has the power to affirm, or set aside and remand the matter to the Commission upon the following grounds, and shall not set the same aside on any other grounds:

- (1) That the findings of fact are not based on any substantial, competent evidence;
- (2) That the commission has acted without jurisdiction or in excess of its powers;
- (3) That the findings of fact by the commission do not as a matter of law support the decision. Idaho Code § 67-5318.

DATED THIS 20th day of August, 2020.

BY ORDER OF THE  
IDAHO PERSONNEL COMMISSION

  
Mike Brassey, Commission Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the ORDER OF DISMISSAL FOR LACK OF JURISDICTION in this matter was delivered to the following party by the method stated below on this 25<sup>th</sup> day of August 2020.

FIRST CLASS MAIL

DAVID H. LEROY  
Attorney at Law  
802 West Bannock Street, Suite 201  
Boise, Idaho 83702

  
Secretary to Idaho Personnel Commission

## **EXHIBIT A**

Deery

RECEIVED DHR  
JUN 29 2020

J. A. Dexter, Dir.  
DHR  
Boise  
6-29-2020

Re: Request for a Regulatory Ruling  
Per I.C. 67.5232

Dear Director:

I attach and seek per the above a ruling from your "shop" on behalf of My Client Tom LeClare. Hopefully, amid the daily "crises" and general labors attending your responsibilities, you can handle this too!

Personal regards,  
Deery

RECEIVED DHR

JUN 29 2020

*rec'd  
June 29, 2020  
4:55pm*

*Seburn*

DAVID H. LEROY  
Attorney at Law  
802 West Bannock Street, Suite 201  
Boise, Idaho 83702  
Telephone: (208) 342-0000  
Facsimile: (208) 342-4200  
email: dave@dlroy.com  
Idaho State Bar No. 1359

BEFORE THE IDAHO DIVISION OF HUMAN RESOURCES AND THE IDAHO  
PERSONNEL COMMISSION

In the Matter of the action of the )  
National Association of Charter )  
School Authorizers )  
\_\_\_\_\_ )  
PETITION FOR DECLARATORY  
RULING PURSUANT TO IDAHO  
CODE SECTION 67-5232

COMES Now Tom LeClair, the President of the Board of the Coalition of Idaho Charter School Families, in his personal capacity, and hereby petitions the Idaho Division of Human Resources and the Idaho Personnel Commission for a DECLARATORY RULING pursuant to the provisions of Idaho Code Section 67-5232, stating, alleging and requesting as follows:

I.

STATEMENT OF FACTS

1. The Idaho Public Charter School Commission, created and operating pursuant to Idaho Code 33-5213, is an executive subagency of the Board of Education, State of Idaho, comprised of seven gubernatorial and legislature leader appointees.

2. On July 17, 2019, Tamara Baysinger was a state public official employed as the salaried Director of the Idaho Public Charter School Commission (IPCSC) (She resigned December 31, 2019) During her tenure, she supervised contracts and approved payments.

3. The National Association of Charter School Authorizers, (NACSA) a non-profit corporation headquartered in Chicago, Illinois in July of 2019 was an entity interested in an official transaction or proceeding before the Commission, in that:

a. In late 2018, NACSA was retained to perform a formative evaluation of the IPCSC and to make policy recommendations to the IPCSC (See Exhibit "B" hereto.) In these evaluations, NACSA advocates for charter authorizing entities such as the IPCSC to adopt specific policies and procedures related to charter schools which it advances nationally.

b. IPCSC joined and paid membership dues and other fees to NACSA during 2019. The payment to NACSA was directly approved by IPCSC Director Baysinger.

c. Said contract and process was ongoing on July 17, 2019 and said membership was active.

d. NACSA serves as vendor and consultant to statewide charter authorizing bodies like IPCSC.

4. In July of 2019, Greg Richmond was Chief executive Officer of NACSA, directing its operations and staff as a full time paid executive officer.

5. On July 17 of 2019, David Greenberg, in his role as Director of Leadership Development for NACSA, sent a one page email with a three page attachment to IPCSC Director Baysinger offering her a position as a "Leaders Program Coach" for NACSA at a proposed compensation of "\$5,000 in total per leader coached," plus expenses to attend the "first in person



session” and the “final in person session.” A copy of said solicitation and offer is attached hereto and incorporated herein as Exhibit “A”

6. Upon information and belief, Director Baysinger did not accept the offer.

7. However, the “offer” and “agreement to confer” the benefits was “knowingly” made, as is reflected in the July 17, 2019 written communication, by the person or persons and organization identified above.

8. Per additional attached materials, NACSA may have engaged in a related and comparable common scheme or plan of improper conduct in other states, including Georgia and Nevada, where criminal and/or ethics investigations have ensued.

In South Carolina, the NACSA payments to a public official were found to have not been made in accord with public employee outside employment regulations and new ethics provisions were recommended. In Georgia, the NACSA was found to have violated two ethics and governmental transparency provisions by not reporting the payment to a public official.

In Nevada, the state charter authority was held to have violated the state’s public records act by concealing documents that evidenced the personal payment by NACSA to a public official there. The national notoriety among select state public officials of NACSA offering personal payments is evidenced by the attached email from Delaware, where a public official wrote Mr. Richmond seeking side consulting opportunities and Mr. Richmond responded with an offer to “creatively” invoice the state in order to facilitate a payment to NACSA that would have been in violation of the state’s fiscal rules. (See Exhibit “B,” hereto)

9. Mr. Richmond has now become employed via a Boise based non-profit called

BLUUM to become the "Chief Officer of Growth and Strategy" with involvement in distributing Federal Grant funds of a reported \$17.1 million to Idaho schools in which the IPCSC will have continuing involvement and oversight. (See Exhibit "C," hereto.)

II.

APPLICABLE STATUTES

10. The "Ethics in Government" policy for all Idaho public officials is stated in Idaho Code Section 74-402, as follows:

"Policy and Purpose. It is hereby declared that the position of a public official at all levels of government is a public trust and it is in the public interest to:

- (1) Protect the integrity of government through the state of Idaho while at the same time facilitating recruitment and retention of personnel needed within government;
  - (2) Assure independence, impartiality and honesty of public officials in governmental functions;
  - (3) Inform citizens of the existence of personal interests which may present a conflict of interest between an official's public trust and private concerns;
  - (4) Prevent public office from being used for personal gain contrary to the public interest;
  - (5) Prevent special interests from unduly influencing governmental action;
- and
- (6) Assure that governmental functions and policies reflect, to the maximum extent possible, the public interest."

11. This is supported and clarified by "Definitions" codified in Section 74-403 which make it clear in certain subsections that:

- A. Per subsection (66), the IPCSC Commission is a "governmental entity" covered by the Act.

PETITION FOR DECLARATORY RULING PURSUANT  
TO IDAHO CODE SECTION 67-5232 - 4

B. Per subsection (10) (d), Tamara Baysinger was an “employed public official” covered by the Act.

C. Per subsection (5), the transaction described in Paragraph 5 of this Petition above proposed an “economic gain” to Ms. Baysinger, of pecuniary value from sources other than her lawful compensation as a public official, as covered by the Act.

D. And per subsection (1), both the IPCSC and the CNACSA, on or about July 17, 2019 were mutually engaged in “official action” with decisions, considerations, and policy matters pending related to Idaho Charter Schools, as covered by the Act.

12. Idaho Code Section 74-404, REQUIRED ACTION IN CONFLICTS, Subsection (6) provides that an:

“executive branch of state government” . . . (may establish) “an ethics board or commission,” . . . . . which “shall have specifically stated powers and duties including the power to “ . . . . . “(c) Accept complaints of unethical conduct from the public and take appropriate action.”

13. In the absence of either the Division or the Commission having established such a separate ethics board or commission, the Division and/or the Commission itself is the proper entity to receive, investigate, rule upon and enforce appropriate action under the Idaho Ethics in Government Act, after receipt of such a public complaint.

14. Further, Idaho Code Section 18-1356 (6) makes a misdemeanor crime of the act of Offering Gifts to Public Servants by Persons Subject to their Jurisdiction.

III.

APPLICABLE IDAPA RULES AND POLICIES

15. The Idaho Administrative Code containing the Rules of the Division of Human Resources and the Idaho Personnel Commission found at IDAPA 15.04.01.019.024 provides as follows:

“ Conflict of Interest and Personal Conduct.

The maintenance of a high standard of honesty, ethics, impartially, and conduct by state employees is essential to ensure proper performance of state business and strengthen the faith and confidence of the people of Idaho in the integrity of state government and state employees. All appointing authorities shall establish such policies and standards necessary to prevent conflicts of interest.”

IV.

REQUEST FOR RULINGS

16. Idaho Code Section 67-5232 provides that “Any person may petition an agency as to the applicability of any statutory provision or of any rule administered.”

17. The Petitioner hereby asks the Division and/or the Commission for a written declaratory ruling as to the applicability of the provisions of Idaho Code Sections 74-402, 74-403 and 18-1356(6) to the facts alleged above in Paragraphs 1 through 9 of this Petition, as administered by the agency.

In particular:

- A. Did the conduct of NACSA constitute an improper, unethical and unlawful offer or agreement to confer benefits upon a state public employee?
- B. Should the engagement, current and future role of NACSA and Greg Richmond with the IPCSC be investigated in light of such acts?

PETITION FOR DECLARATORY RULING PURSUANT  
TO IDAHO CODE SECTION 67-5232 - 6


18. Further, the Petitioner hereby asks the Board for a written declaratory ruling regarding the facts alleged in Paragraphs 1 through 9 above on this Petition, as applied to the standards of IDAPA 15.04.01.019.024 which are administered by the agency:

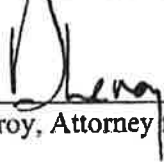
A. Did the conduct of NACSA constitute an attempt to create a violation of Idaho conflict of interest, ethics and personnel conduct rules by a state public employee?

B. Should the engagement, current and future role of NACSA and Greg Richmond with state personnel at IPCSC be investigated and/or acted upon pursuant to the IDAPA by the Division and/or Commission?

DATED This 27 day of June, 2020.

Respectfully Submitted:

  
\_\_\_\_\_  
Petitioner

  
\_\_\_\_\_  
David H. Leroy, Attorney for the Petitioner

## Tamara Baysinger

---

**From:** David Greenberg <davidg@qualitycharters.org>  
**Sent:** Wednesday, July 17, 2019 9:01 PM  
**To:** davidg@qualitycharter.org  
**Subject:** Coaches for the NACSA Leaders Program - Cohort 8  
**Attachments:** Leaders Program Coach Application.docx

Dear, Leaders Program Alumni including recent (and not so recent) Coaches,

We are seeking the next group of Coaches to support the 8th cohort of the NACSA Leaders Program, which launches this October at the Leadership Conference.

As an alum of the program, you know how integral the Coaches are to the Leaders' experience. I encourage you to apply to be a Coach—and to pass this on to someone who would make a great Coach.

We have made some changes to the Leaders Program for Cohort 8, some of which will impact the role of the Coach. Specifically:

- The program runs from October 2019 (Conference) to October 2020 (Conference), and Coaches are involved for the entire 12-month period;
- Coaches will visit their Leaders twice during the program; and
- Leaders will complete a capstone project that uses action-research to assess the impact of innovations in authorizing designed to address a challenge in their office or in the field. Coaches and Leaders will receive training and support from NACSA on the action-research process, and coaches will provide support to leaders throughout the program.

As always, we are seeking a diverse group of individuals who bring leadership experience, authorizing experience, and coaching presence to work with our next cohort of approximately 12 Leaders. To ensure diversity of thought and experience among coaches, we seek a balance of new and experienced Coaches and individuals who have completed the Leaders Program and those who have not.

Attached is additional information on coaching, including the application.

Don't hesitate to reach out if you have any questions about coaching or the Leaders Program in general.

Sincerely,  
David

David Greenberg, Director of Leadership Development  
**NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS**  
Direct: (612) 868-0232 | [davidg@qualitycharters.org](mailto:davidg@qualitycharters.org) | [www.qualitycharters.org](http://www.qualitycharters.org)

**EXHIBIT "A"**



**2019 NACSA LEADERSHIP CONFERENCE**  
**ST. LOUIS | OCTOBER 21-24, 2019**  
**➔ REGISTER NOW!**

# LEADERS ★ PROGRAM

## Leaders Program Coach Application - Cohort 8

### Background

The NACSA Leaders Program is the nation's only professional development opportunity of its kind specifically designed for charter school authorizing professionals. The rigorous, yearlong program brings together a diverse group of approximately 12 current and up-and-coming Leaders committed to advancing the work of authorizing and honing their leadership skills to grow more great schools in their communities. Throughout the program, Leaders explore best practices, grapple with their current challenges, and examine what it means to lead in a dynamic public education environment.

### Coaching

One-on-one coaching is a core component of the Leaders Program. Each Leader is matched with a Coach who provides support for the Leader in the areas of self-leadership, people-leadership, organization-leadership, and practice-leadership. The formal coaching relationship spans the entire 12-month program (and informal relationships often sustain well beyond) and includes scheduled and consistent one-on-one phone/video calls and two site visits by the Coach to the Leader's office.

### Capstone Project – Action-Research

Each Leader will complete an action-research capstone project to assess the impact of innovations in authorizing designed to address a challenge in their office or in the field. Coaches and Leaders will receive training and support from NACSA on the action-research process, and Coaches will provide support to Leaders throughout the Program.

### Coach Profile

NACSA is seeking coaching candidates who bring leadership experience, authorizing experience, and coaching presence to work with our next cohort of leaders. NACSA particularly seeks individuals who reflect the diversity and experience of students in charter schools throughout the country. To ensure diversity of thought and experience among coaches, we seek a balance of new and experienced coaches and individuals who have completed the Leaders Program and those who have not.

### Compensation & Expenses

Coaches will be compensated \$5,000 in total per Leader coached. NACSA will cover expenses related to attendance at the first in-person session (in St. Louis) and the final in-person session (in Nashville). NACSA will also cover all travel, lodging and incidental expenses for the two on-site visits.

### To Apply

Please review the expectations on the following page. If you can meet those expectations and are interested in being a Coach, submit the completed application along with your resume to David Greenberg, [davidg@qualitycharters.org](mailto:davidg@qualitycharters.org), by August 14 at 5:00 PM CT.

**Thank you for your interest in being a Cohort 8 Leaders Program Coach!**



# LEADERS PROGRAM

## Leaders Program Coach Application – Cohort 8

Name:

Date:

The following are expectations for Coaches. Please review these carefully. If you are not able to fulfill these expectations, unfortunately you will not be able to coach this year. I realize that things come up, but if you know now that you will not be able to make any of these dates/fulfill any of these expectations, please do not submit an application to coach this year.

### Expectations

Timeframe/Date	Activity
August 14, 2019	Coach Application Due by 5:00pm CT
By Monday, September 16, 2019	Coaches Notified of Selection
Tuesday, September 24, 2019: 2:00pm – 3:00 pm CT	All Coach Kick-Off Call
Tuesday, October 1, 2019: 2:00pm – 3:00 pm CT	All Coach Virtual Training Part I
Tuesday, October 8, 2019: 2:00pm – 3:30 pm CT	New Coach Virtual Training - Part II (Mandatory for new Coaches, optional for returning Coaches)
Tuesday, October 15, 2019: 2:00pm – 3:30 pm CT	New Coach Virtual Training Part III (Mandatory for new Coaches, optional for returning Coaches)
Sunday, October 20, 2019: 2:00pm - 5:00pm	All Coach In-Person Training Workshop in St. Louis (2019 NACSA Conference Location)
Sunday, October 20, 2019: 5:00pm – 6:00pm + Dinner; Monday, October 21: 8:30am - 2:30pm	Participate in First In-Person Leaders Program in St. Louis (2019 NACSA Conference Location)
November 2019 – October 2020	Ongoing coaching calls with your Leader. Specific frequency and duration of calls to be agreed upon by Coach and Leader - expected to be approximately 4 hours per month.
Dates TBD (November 2019 – September 2020)	Two-three additional training and/or check-in calls throughout the program.
November 2019 – January 2020	1 <sup>st</sup> Site Visit to Leader
May 2020 – August 2020	2 <sup>nd</sup> Site Visit to Leader
Sunday, October 11, 2020 - 4:00pm – Monday, October 12 at 3:30pm	Participate in Final In-Person Leaders Program Session in Nashville (2020 NACSA Conference Location)

**By submitting this application, you are confirming that you have read the expectations and based on the knowledge that you have at this time, confirm that you can meet all of the expectations as outlined in this document.**

**Please respond to the following questions:**

1. Why do you want to be a coach for the Leaders Program?
2. What training and/or experience do you have related to coaching and how has that prepared you to be an effective Coach for the Leaders Program? If you have been a Coach in the Leaders Program previously, include what you have learned and how you have grown as a coach through that experience. Please be specific.
3. Briefly describe your experience with charter school authorizing.
4. How would you define coaching?
5. Paint a picture of what an effective coaching relationship looks like, in your view.
6. Please identify your top 2-4 strengths as a Coach and explain how you would utilize each of those strengths in your coaching.
7. What aspect(s) of coaching do you or might you (if new to coaching) find most challenging? What strategies have you used or might you use to manage those challenges?
8. What are the top 3-5 qualities/characteristics you feel are the most critical for an effective Coach to embody?
9. If you are selected as a Coach, NACSA will provide training and support for you to provide support to your Leader in his/her capstone project which involves "action research" that is designed to drive innovation and measure the impact of new practices in his/her office. What is your experience with "action research" and how will you approach providing support to your Leader on this project?
10. Do you know your MBTI type? If so, please identify it below. (NOTE: This will NOT be used in the Coach selection process. It is, however, useful information to have for the Coach/Leader matching process. If you do not know it and are selected to serve as a Coach, we will ask you to take the MBTI via an online system.)

**Please submit this completed application along with your resume to David Greenberg: [davidg@qualitycharters.org](mailto:davidg@qualitycharters.org) no later than August 14, 2019 at 5:00 PM CT.**



## OFFICE OF THE STATE INSPECTOR GENERAL

**BRIAN P. KEMP**  
Governor

**DEBORAH WALLACE**  
State Inspector General

March 4, 2019

Gregg Stevens  
Interim Executive Director  
State of Georgia Charter Schools Commission  
1470B Twin Towers East  
205 Jesse Hill Jr. Drive SE  
Atlanta, GA 30334

Reference: OIG File No: 19-0018-I

Dear Mr. Stevens:

On September 25<sup>th</sup>, 2018, following receipt of a complaint, the Office of the State Inspector General (OIG) opened an investigation into allegations of violations of the state of Georgia's code of ethics by former State Charter School Commission (SCSC) Executive Director, Bonnie Holliday. The allegation related to Ms. Holliday's acceptance of \$1,000 from state vendor, National Association of Charter School Authorizers (NACSA), in 2017. On December 11, 2018, we received a second complaint regarding allegations of violations of Georgia code section 45-1-16 by NACSA. The allegation related to NACSA's failure to disclose travel expenses that were paid on behalf of Ms. Holliday exceeding \$250 in the 2017 calendar year to the State of Georgia's Government Transparency and Campaign Finance Commission ("the Commission"). The allegation also related to NACSA's failure to provide financial statements to the state auditor as a nonprofit organization.

During the investigation, OIG conducted interviews, reviewed official files and documents, and conferred with the Attorney General's Office about whether NACSA violated state law. Specifically, OIG sought to determine if Ms. Holliday's acceptance of \$1,000 from NACSA was considered a gift and violated Georgia Governor's Executive Order Establishing a Code of Ethics ("state ethics code"). OIG also sought to determine if NACSA failed to disclose travel expenses paid on behalf of Ms. Holliday to the Commission as required per the state ethics code. Finally, OIG sought to determine if NACSA as a nonprofit organization, failed to provide financial statements to the state auditor as required per Georgia code section 50-2-3.

**EXHIBIT "B"**

Reference: OIG File No: 19-0018-I

OIG confirmed that NACSA is a state vendor and that the Department of Education has paid the vendor \$336,372 since 2015. OIG further confirmed that NACSA offered Ms. Holliday and Mr. Gregg Stevens, SCSC General Counsel at the time, a \$1,000 stipend to work as a session manager at their annual conference. Mr. Stevens declined the stipend. As of 2015, NACSA has not offered any other SCSC employees a stipend. Per the state ethics code, no employee, nor any person on his or her behalf shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including without limitation, lobbyists and vendors. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization. OIG determined that Ms. Holliday executed an agreement with NACSA on September 18, 2017 requiring Ms. Holliday to perform various services, including attending the 2017 NACSA Annual Conference, for a flat fee of \$1,000. Based on the employment agreement between the two parties, the OIG considers the \$1,000 fee to be outside employment income rather than a gift. OIG further determined that Ms. Holliday disclosed the agreement to the SCSC General Counsel and Ethics Officer at that time. However, Ms. Holliday did not take any leave from her role as the Georgia SCSC Executive Director during her attendance at the NACSA conference. Ms. Holliday's concurrent employment with NACSA while she was acting in her role as the state's SCSC Executive Director appears to violate the Rules of the State Personnel Board section 478-1-.07 regarding outside employment, specifically conflicting employment activity.

Per Georgia code section 50-2-3, before entering into a financial agreement with a nonprofit organization, the head of the contracting state organization shall require the nonprofit organization to furnish financial information and forward the information to the state auditor. State agencies are required to report contracts entered into with non-profit organizations so DOAA is aware that they need to request financial statements from the organization. OIG confirmed with the Department of Audits and Accounts (DOAA) Nonprofit and Local Government Audit Section that none of the state agencies have reported contracts between the state and NACSA to their office to date.

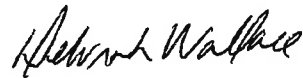
OIG confirmed that NACSA reimbursed Holliday for travel expenses to a NACSA task force meeting on two separate occasions in June and August 2017 totaling \$1,028.42. Georgia code section 45-1-16 requires that any vendor who, either directly or through another person, makes a gift or gifts to one or more public employees exceeding in the aggregate \$250 in value during any calendar year shall file a disclosure report with the Commission. We referred the complaint to the Commission and determined that NACSA had not filed a report with the Commission at the time of the complaint. However, the organization has since contacted the Commission to file disclosure reports for past years and pay late fees. The OIG encourages the SCSC to take appropriate steps to ensure vendor compliance with state law to prevent conflicts of interest and verify services can be provided based on the organization's financial capability.

Reference: OIG File No: 19-0018-I

Per the state ethics code, an employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registrations are paid to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report no later than 30 days after such expenses are paid. The report shall be filed with the designated Ethics Officer. The SCSC Ethics Officer at the time of Ms. Holliday's employment provided a report that Ms. Holliday filed with him regarding the June 2017 expense reimbursement from NACSA. However, no report was on file for the August 2017 expense reimbursement.

Ms. Holliday resigned from her position with SCSC on January 15, 2019 for a position with the Georgia Charter Schools Association. Based on Ms. Holliday's resignation and NACSA's remedial measures taken, OIG considers this matter closed. OIG appreciates the time and assistance provided by the Department of Education and specifically, SCSC, throughout the course of our investigation.

Sincerely,



Deborah Wallace, CIG, CFE  
Inspector General

DW: jg

cc: Tim Flemming, Office of the Governor Chief of Staff  
Stacey Suber Drake, Department of Education General Counsel  
Bethany Whetzel, Georgia Government Transparency and Campaign Finance  
Commission Deputy Executive Secretary  
Jackie Neubert, Department of Audits and Accounts Nonprofit and Local  
Government Audit Section Manager

1 Joel E. Tasca, Esq.  
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Nevada Bar No. 13578  
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5 Facsimile: (702) 471-7070  
tasca@ballardspahr.com  
6 sakaij@ballardspahr.com

7 *Attorneys for Petitioner*

8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
9 **IN AND FOR CARSON CITY**

10 NATIONAL COALITION FOR PUBLIC  
11 SCHOOL OPTIONS,

12 Petitioner,

13 v.

14 NEVADA STATE PUBLIC CHARTER  
15 SCHOOL AUTHORITY,

16 Respondent.

Case No. 19 OC 00050 1B

Department No. 2

17 **ORDER GRANTING WRIT OF MANDAMUS**

18 Petitioner National Coalition for Public School Options ("PSO") commenced this action on  
19 March 11, 2019, with the filing of its Verified Public Records Act Application Pursuant to Nev.  
20 Rev. Stat. § 239.011/Petition for Writ of Mandamus. Through the Petition, PSO requested an  
21 Order requiring Respondent Nevada State Public Charter School Authority ("SPCSA") to provide  
22 access to public records responsive to PSO's various public records requests. The Court, having  
23 considered the Petition, and no responsive briefing having been filed by the SPCSA, finds that the  
24 Petition should be, and hereby, is **GRANTED** as follows:

**FINDINGS OF FACT**

REC'D & FILED  
2019 OCT 31 AM 11:02

BY 

Docket

BALLARD SPAHR LLP  
1980 FESTIVAL PLAZA DRIVE, SUITE 900  
LAS VEGAS, NEVADA 89135  
(702) 471-7000 FAX (702) 471-7070

BALLARD SPAHR LLP  
1980 FESTIVAL PLAZA DRIVE, SUITE 900  
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(702) 471-7000 FAX (702) 471-7070

1 The Court finds that the following facts were proven by a preponderance of the evidence:

2 1. Pursuant to Nevada's Public Records Act, Nev. Rev. Stat. § 239.010, *et seq.* (the  
3 "NPRA"), PSO requested public records from SPCSA via four separate public records requests.

4 2. PSO made its first two public records requests on May 4, 2018. PSO's first public  
5 records request sought "any and all email communications between the Authority and [NACSA]  
6 which were sent on or after June 1, 2016. . ." PSO's second public records request sought "public  
7 records related to or documenting any costs, including all travel or other expense reimbursements,  
8 related to the meeting of the Authority Board on April 27, 2018."

9 3. SPCSA provided documents responsive to PSO's second May 4, 2018 request on  
10 June 22, 2018.

11 4. PSO made its third public records request on June 6, 2018, seeking records related  
12 to:

13 [T]he Authority's review, approval, and/or denial of any request by the Authority's  
14 Executive Director to pursue any other business or occupation or hold any other  
15 office, including, without limitation, to serve as a member on a committee, board or  
16 task force of an organization relating to charter schools, to serve as a reviewer of  
17 applications to form a charter school for organizations other than the State Public  
18 Charter School Authority and/or to hold an office of profit. . ."

19 5. PSO made its fourth public records request on September 28, 2018, seeking records  
20 related to:

21 1) any communications between the Authority and the TenSquare Group and/or  
22 Joshua ("Josh") Kern (collectively "TenSquare") which were sent on or after June  
23 1, 2016; and 2) any and all communications between members, employees, staff, or  
24 other individuals working with the Authority relating to TenSquare, which were  
sent on or after June 1, 2016.

25 6. SPCSA provided additional documents responsive to PSO's records requests on  
26 December 7, 2018, and December 13, 2018.

27 7. In response to PSO's records requests, SPCSA never made any claim of

1 confidentiality or privilege as to any responsive document.

2 8. In response to PSO's records requests, SPCSA should have produced – but did not  
3 – an email dated October 20, 2016, from E. Westapher, Director of Authorizer Development for  
4 NACSA, to various individuals, including P. Gavin, former executive director of SPCSA.

5 9. PSO may be in possession of other documents that SPCSA should have produced in  
6 response to PSO's public records requests, but did not, as evidenced by the unproduced October  
7 20, 2016, email.

8 10. PSO commenced this action to request a writ of mandamus directing SPCSA to  
9 produce all responsive records.

10 11. On September 10, 2019, pursuant to a stipulation between PSO and SPCSA, PSO  
11 submitted its Opening Brief in Support of Public Records Act Application and Petition for Writ of  
12 Mandamus.

13 12. SPCSA's response brief was due on or before September 24, 2019.

14 13. On October 15, 2019, the Court, noting SPCSA had not filed its response to the  
15 opening brief on September 24, 2019, provided SPCSA with an October 25, 2019, deadline to file  
16 a brief with points and authorities as to why the Court should not grant PSO's Petition in full.

17 14. SPCSA did not file a response brief on or before the Court's October 25, 2019  
18 deadline.

19 **CONCLUSIONS OF LAW**

20 15. SPCSA is a state agency subject to disclosure requirements under the NPRA.

21 16. The NPRA compels SPCSA to produce all relevant documents in response to public  
22 records requests, absent a claim of privilege or confidentiality. Nev. Rev. Stat. § 239.010.

23 17. SPCSA has not made a timely claim of privilege or confidentiality as to any  
24 documents responsive to PSO's public records requests.



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18. SPCSA's failure to produce all documents responsive to PSO's public records requests is in violation of Nev. Rev. Stat. § 239.01.

19. Based upon SPCSA's failure to produce all responsive documents, PSO is entitled to a writ of mandamus directing SPCSA to produce all responsive documents.

Consistent with the foregoing, it is hereby ORDERED that:

1. SPCSA is directed to produce all documents responsive to PSO's records requests within 5 business days of being served with notice of entry of this Order, including, without limitation, the email dated October 20, 2016, from E. Westapher, Director of Authorizer Development for NACSA, to various individuals, including P. Gavin, former executive director of SPCSA;

2. PSO may move for its reasonable attorneys' fees and costs incurred in bringing the Petition, pursuant to Nev. Rev. Stat. § 239.011(2) and any other applicable law.

DATED: October 30, 2019

  
THE HONORABLE JAMES WILSON  
DISTRICT COURT JUDGE

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Submitted by:

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By: \_\_\_\_\_

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**From:** Greg Richmond [mailto:gregr@qualitycharters.org]  
**Sent:** Tuesday, September 22, 2015 4:23 PM  
**To:** Nagourney Jennifer  
**Subject:** RE: Conference Fees & Consulting Opportunities

Hello Jen,

I'm glad there is interest in Delaware in coming to our conference. We are pretty stingy on registration waivers or reductions because we already lose money on conference as is. Is the registration dollar amount or is it out-of-state travel itself which is the problem? If it is the latter, we might be able to invoice you in more creative ways (e.g. through membership dues) that don't show up as invoices for out-of-state travel.

Greg



Greg Richmond, President & CEO  
National Association of Charter School Authorizers  
Direct: 312.376.2322 | [www.qualitycharters.org](http://www.qualitycharters.org)

**2015 NACSA Leadership Conference**  
COLORADO - October 19-22, 2015 - Register Here!

**From:** Nagourney Jennifer [mailto:Jennifer.Nagourney@doe.k12.de.us]  
**Sent:** Monday, September 21, 2015 9:37 AM  
**To:** Greg Richmond  
**Subject:** Conference Fees & Consulting Opportunities

Hello, Greg! How are you? I hope everyone at NACSA is happy, healthy, and enjoying a beautiful start to fall in Chicago!

I'm have a few questions, and I'm hoping you can point me in the right direction.

First, I am wondering if there is someone I can speak to at NACSA about the possibility of a registration fee waiver or reduction for two Delaware Department of Education attendees. The state has taken a hard line against all out of state travel expenses, and we are actively looking for grant funding from Delaware foundations. Any assistance would be very greatly appreciated!

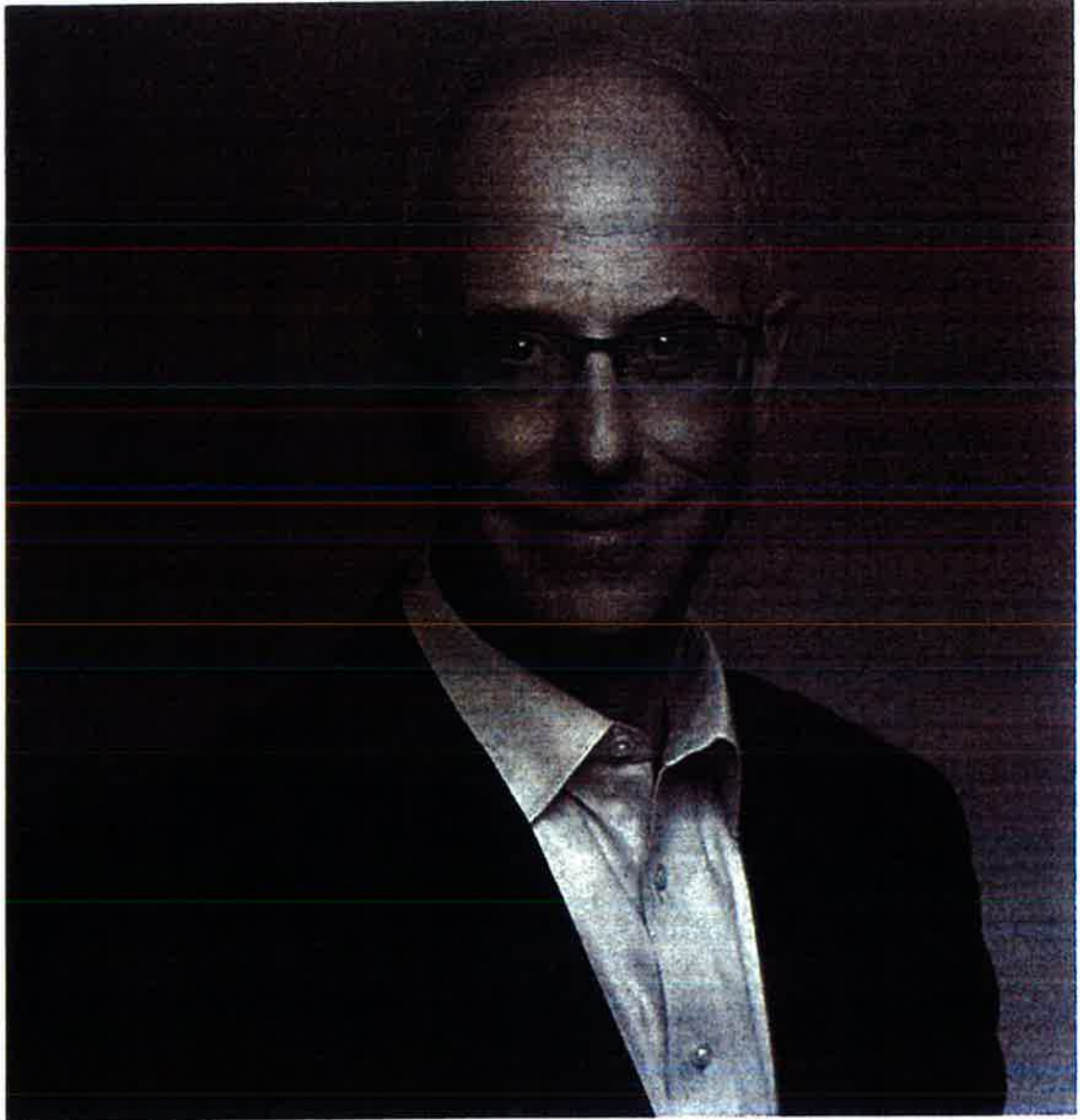
Second, I am wondering who I could speak to at NACSA about potential consulting opportunities in the field, either through NACSA or working directly with organizations. As you know, I am actively looking expand my expertise and work experience in other locations, and I would value any constructive advice that the NACSA all-star team could offer.

Many thanks,  
Jen

Jennifer M. Nagourney, J.D.  
Executive Director, Charter School Office  
Delaware Department of Education  
401 Federal Street, Suite #2  
Dover, DE 19901-3639  
302.735.4020 (T) 302.739.4483 (F)

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## BLUUM WELCOMES GREG RICHMOND, VETERAN EDUCATION LEADER

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[Press Release 3/31/2020](#) | [DOWNLOAD](#)

f t in g  
**EXHIBIT** "C"



for children and strategy. Bluum CEO Terry Ryan stated, "We are incredibly fortunate to add Greg to our team during this period of unparalleled challenge to public education and to the learning and well-being of our families and children."

Richmond is the founder of the National Association of Charter School Authorizers and served as its Chief Executive Officer from 2005 through 2019. Richmond stated, "When I stepped away from NACSA, I said I wanted to work more closely with educators and communities who are starting new schools. I am thrilled to find that opportunity with Bluum. Idaho is a fast-growing state and it continues to have a strong, growing charter school community. I am looking forward to joining it."

Ryan added, "I have worked closely with Greg for years and I appreciate his integrity, his thoughtfulness and his commitment to children and families first. I have found his calmness in times of craziness reassuring. He kept his head while others struggled to do so. Greg knows how to get things done."

At Bluum, Richmond will have broad responsibilities leading efforts to grow the number of quality schools, the number of students enrolled in those schools, and the number of graduates prepared for success in life.

Richmond was inducted into the National Charter School Hall of Fame in 2017 and is a past board member of the National Alliance for Public Charter Schools, Equitable Facilities Fund, and Facilities Investment Fund. He is a Pahara Aspen Fellow and a Senior Fellow at Future Ed, a Georgetown University think tank.

POSTED IN: [IN THE NEWS](#), [PRESS RELEASE](#)

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NEWS ([HTTPS://WWW.IDAHOEDNEWS.ORG/CATEGORY/NEWS/](https://www.idahoednews.org/category/news/))

## BLUUM HIRES CHIEF OFFICER FOR GROWTH AND STRATEGY

Devin Bodkin • 03/31/2020

***(Updated Thursday, April 2, at 9:35 a.m. with reaction from another charter school support group.)***

Idaho charter support group Bluum (<https://www.bluum.org>) has hired the former founder and CEO of a national nonprofit devoted to improving authorizing practices for charter schools.

Greg Richmond, formerly of the Chicago-based National Association of Charter School Authorizers (<https://www.qualitycharters.org>), joins Bluum as chief officer for growth and strategy, Bluum announced (<https://www.bluum.org/bluum-welcomes-greg-richmond-veteran-education-leader/>) Tuesday.



Greg Richmond

“We are incredibly fortunate to add Greg to our team during this period of unparalleled challenge to public education and to the learning and well-being of our families and children,” Bluum CEO Terry Ryan said.

Richmond will lead Bluum’s efforts to “grow the number of quality schools in Idaho, the number of students enrolled in those schools, and the number of graduates prepared for success in life,” Ryan said.

Richmond spent 14 years at NACSA, from 2005 to 2019. He and his organization are familiar with Idaho’s growing charter sector.

- In January, Richmond [surfaced as a finalist \(https://www.idahoednews.org/news/charter-commission-narrows-search-for-new-director/\)](https://www.idahoednews.org/news/charter-commission-narrows-search-for-new-director/) vying to replace the outgoing director of the [Idaho Public Charter School Commission \(https://chartercommission.idaho.gov\)](https://chartercommission.idaho.gov), the authorizing body that oversees most of the state’s public charters. The commission selected [one of its own \(https://www.idahoednews.org/news/charter-commission-names-new-director/\)](https://www.idahoednews.org/news/charter-commission-names-new-director/).
- NACSA last year [suggested the commission develop higher standards for approving charters \(https://www.idahoednews.org/news/national-group-recommends-higher-standards-for-idaho-charters/\)](https://www.idahoednews.org/news/national-group-recommends-higher-standards-for-idaho-charters/).

NACSA’s presence in Idaho, and Richmond’s planned move to Boise, sparked mixed reactions in Idaho’s charter world. The Coalition of Idaho Charter School Families (<http://www.idchartercoalition.org/about-us>), which claims to represent thousands of charter advocates across the state, lambasted Richmond’s hiring on its Facebook page (<https://www.facebook.com/idahopublicedoptions/>).

Coalition president Tom LeClaire said he was “deeply disturbed” by the news.

Richmond said Idaho’s growing charter sector fueled his decision.

“When I stepped away from NACSA, I said I wanted to work more closely with educators and communities who are starting new schools,” Richmond said in a statement. “I am thrilled to find that opportunity with Bluum.”

Richmond referenced Idaho’s growing charter sector. Bluum is a key part of the growth, overseeing the dissemination of millions of federal and private dollars (<https://www.idahoednews.org/news/bsu-is-tracking-student-achievement-at-several-idaho-charters/>) earmarked for charter expansion and startups. Bluum has spearheaded the creation of more than 6,000 new charter seats in the state since 2014 and plans to add thousands more in the coming years.

*Disclosure: Bluum and Idaho Education News are both funded on grants from the J.A. and Kathryn Albertson Family Foundation.*



## ABOUT DEVIN BODKIN

Reporter Devin Bodkin covers education issues in East Idaho. He is a former high school English teacher who specializes in stories about charter schools and educating students who live in poverty. Devin co-hosts "Beyond the Books" online news segments in conjunction with EastIdahoNews.com. He is a 2019 Solutions Journalism Network fellow. Follow Devin on Twitter [@dsbodkin](https://twitter.com/dsbodkin) (<https://twitter.com/dsbodkin>). He can be reached by email at [dbodkin@idahoednews.org](mailto:dbodkin@idahoednews.org) (<mailto:dbodkin@idahoednews.org>).

**Read more stories by Devin Bodkin »** (<https://www.idahoednews.org/author/dbodkin/>)

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Kevin Richert • 04/29/2020  
(<https://www.idahoednews.org/news/remote-learning-in-rural-idaho-a-closer-look-at-the-transition/>)

Across the state, rural schools are facing all the frustrations that come with remote learning. But one month in, some administrators say their schools have found a new rhythm within the new normal.

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**LITTLE PREPARES TO REOPEN IDAHO'S ECONOMY**



Clark Corbin • 04/28/2020  
(<https://www.idahoednews.org/news/little-prepares-to-reopen-idahos-economy/>)

“I think we will meet the criteria for Stage One unless something significant happens going forward,” Gov. Brad Little said.





April 11, 2019

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**SUBJECT**

PCSC Education: NACSA Authorizer Evaluation Report

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

In late 2018, the National Association of Charter School Authorizers (NACSA) performed a formative evaluation of the PCSC. NACSA representatives reviewed extensive documentation and conducted a site visit in order to evaluate the PCSC's application decision making, performance management systems, performance-based accountability, support of school autonomy, and organizational capacity.

NACSA's findings were guided by the Principles and Standards for Quality Charter School Authorizing and the 2018 Quality Practice Project.

**DISCUSSION**

NACSA representatives Dr. Chastity McFarlan and Brenna Copeland will present findings from their Authorizer Evaluation Report.

**IMPACT**

Information item only.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff is already working to implement some of the report's recommendations, in accordance with previously established PCSC priorities. Additional staff recommendations based on the report will be presented at a future meeting.

**COMMISSION ACTION**

Any action would be at the discretion of the PCSC.

**EXHIBIT "D"**

MARCH 15, 2019

# NACSA AUTHORIZER EVALUATION REPORT

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**IDAHO PUBLIC CHARTER SCHOOL COMMISSION (IDAHO PCSC)**  
*Authorizer*

**ALAN REED**  
*Commission Chair*

**TAMARA BAYSINGER**  
*Director*

Funding for this report was provided by the U.S. Department of Education through the National Charter School Resource Center. The National Charter School Resource Center is led by Safal Partners under contract number ED-OII-13-C-0065.



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## ABOUT THE EVALUATION

### PURPOSE AND PROCESS

This evaluation is designed to provide the authorizer with a reflective, formative analysis of its primary strengths, priorities for improvement, and recommendations for moving forward. Through this evaluation, NACSA hopes to provide the authorizer with critical feedback that will accelerate the adoption of practices that will lead to stronger outcomes for students and communities.

This evaluation is based on NACSA's *Principles & Standards for Quality Charter School Authorizing (Principles & Standards)*, which is recognized as the leading framework for authorizing best practices, having been written explicitly and implicitly into numerous state charter school laws. Consistent with NACSA's *Principles & Standards for Quality Charter School Authorizing*, this evaluation assesses the authorizer's core responsibilities in the following areas:

1. Organizational Capacity and Commitment;
2. Applications and School Openings;
3. Monitoring and Intervention; and
4. Renewal, Expansion, and Closure.

This evaluation is also guided by key findings from NACSA's *Quality Practice Project (QPP)*, an initiative that seeks to build a stronger evidence base between authorizing practices and student outcomes. Through this research, NACSA studied the practices of authorizers with a range of performance profiles and identified certain practices and perspectives that correlate with strong student and public-interest outcomes. The key findings from this initiative, which are incorporated into this evaluation, include:

- **Commitment.** Great authorizers reflect their institution's commitment to quality authorizing. Authorizing is visible, championed, and adequately resourced, rather than buried in a bureaucracy. The people responsible for day-to-day authorizing functions have influence over decision-making.
- **Leadership.** Great authorizers are dedicated to a mission of giving more children access to better schools through the proactive creation and replication of high-quality charter schools and the closure of academically low-performing charter schools.
- **Judgment.** Great authorizers make decisions based on what will drive student outcomes, not based on checking boxes or on personal beliefs.

This evaluation is the culmination of a process, which included an extensive document review, data analysis, surveys, multiple conversations and discussions with the authorizing staff, and a two-day site visit, during which the evaluation team interviewed authorizing staff, leadership, board members, and charter school leaders.

### ABOUT NACSA

NACSA believes that authorizers are responsible for ensuring that charter schools are good schools for children and the public. As an independent voice for quality charter school authorizing, NACSA uses data and evidence to encourage smart charter school growth. NACSA works with authorizers and partners to create the gold standard for authorizing and build authorizers' capacity to make informed decisions. NACSA also provides research and information that help policymakers and advocates move past the rhetoric to make evidence-based policy decisions. More at <https://www.qualitycharters.org/>.

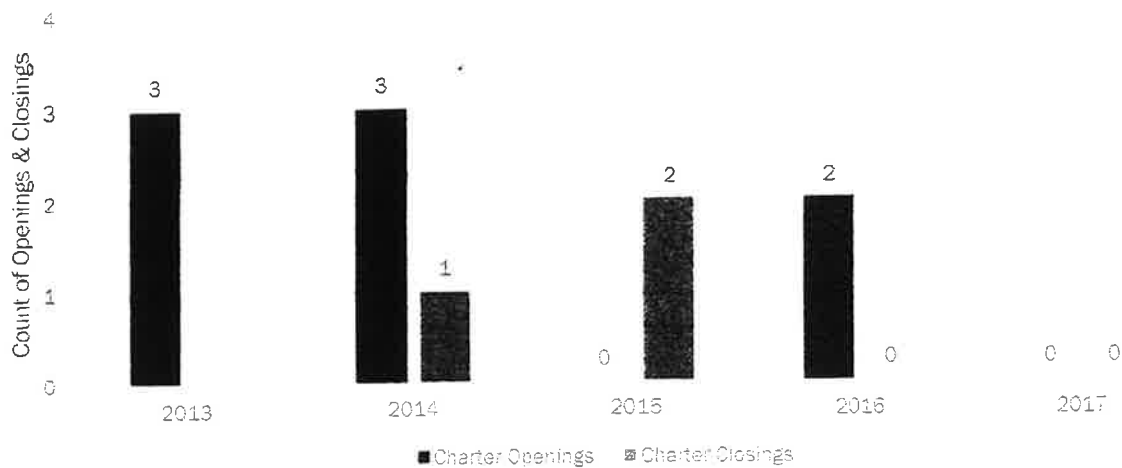
## ABOUT IDAHO PUBLIC CHARTER SCHOOL COMMISSION (IDAHO PCSC)

### IDAHO PCSC PORTFOLIO COMPARED TO STATE SCHOOLS (2017)

	IDAHO PCSC SCHOOLS	STATE
<b>No. of Schools</b>	41	706
<b>Student Enrollment</b>	16,611	280,413
<b>Percent of Students with Disabilities</b>	8.9%	9.6%
<b>Percent of Students Qualifying for Free/Reduced Lunch</b>	26.7%	48.7%
<b>Percent of English Learners</b>	1.5%	5.6%

Source: Idaho Department of Education: <http://www.sde.idaho.gov/finance/#attendance>

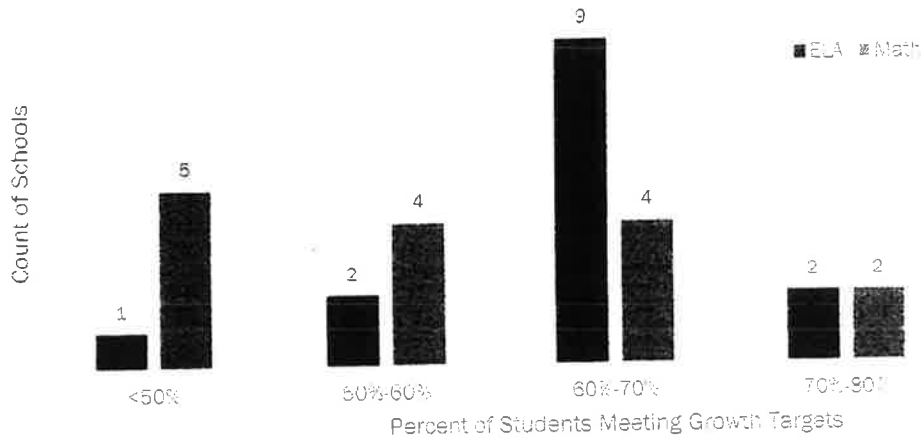
### CHARTER SCHOOL OPENINGS AND CLOSINGS OVER TIME



Source: National Alliance for Public Charter School Database

**CHARTER SCHOOL PERFORMANCE**

**Number of Schools Meeting Student Growth Targets<sup>1</sup> in English Language Arts and Math: 2017**



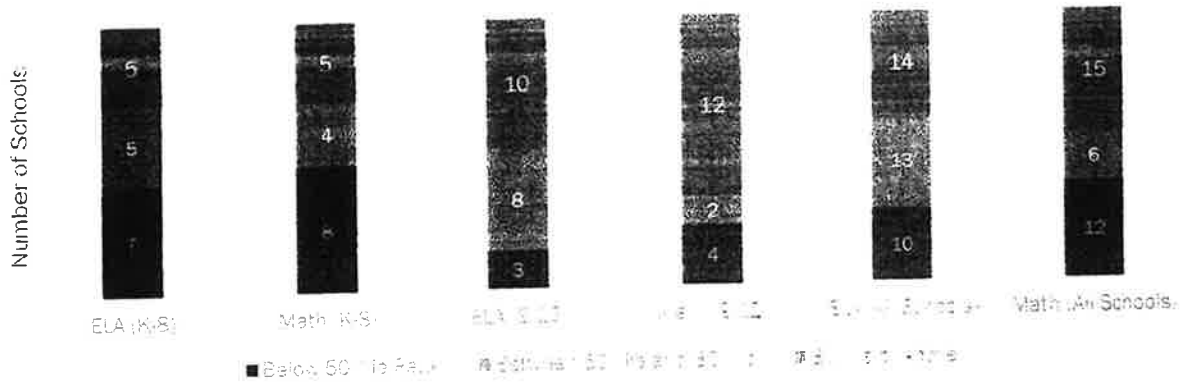
Source: Idaho State Department of Education (2018 Accountability Data: Academic Growth). Downloaded 11/9/2018 from <http://www.sde.idaho.gov/assessment/accountability/index.html>

Note: Data are only available for schools serving K-8 populations. ELA = English/Language Arts

How to Read This Figure: Each bar represents the number of K-8 schools meeting student growth targets on the Idaho Standards Achievement Test (ISAT) as established by the Idaho State Department of Education. For example, in ELA, one school had 50 percent or fewer of its students meet growth targets and 5 schools had 50 percent or fewer meet targets in Math. On the other end of the distribution, three schools had 80 percent or more of its students meet academic growth targets for ELA and two schools had 80 percent or more meet targets for Math.

<sup>1</sup> “To calculate a student’s academic growth target, a student’s scale score from the prior year will serve as a baseline. Next, the score that the student needs to reach Level 3 (Proficient) on the statewide assessment **three years in the future** is identified and called a target scale score. A simple subtraction of the baseline score from the target scale score results in the necessary growth needed to meet proficiency in three years. That number is then divided by three, providing an annual growth target. The change between a student’s 2017 and 2018 ISAT scale score is compared against his or her annual growth target. If the student’s actual growth was greater than or equal to the annual growth target, the student is “on track.” (Idaho State Department of Education, Academic Growth Description, 2018)

**Number of Schools Above and Below the State Average in Proficiency (or Above) by Subject and Level: 2017**

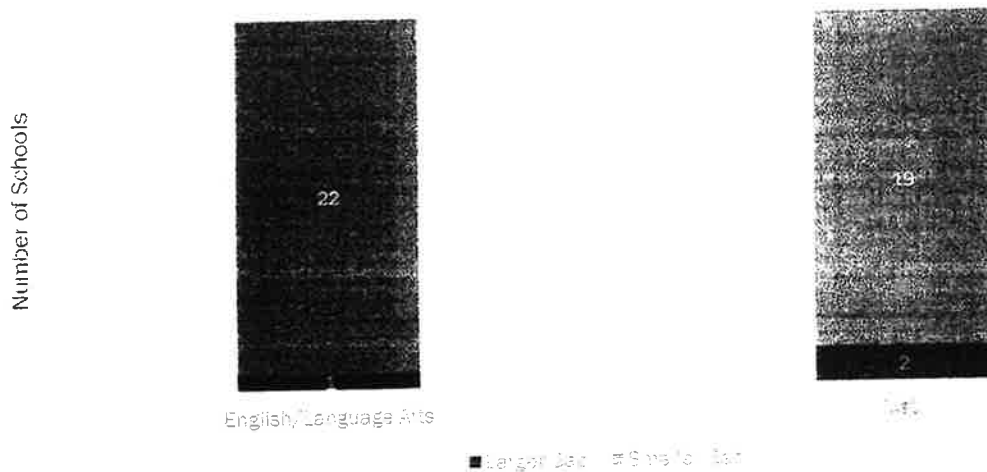


Source: Idaho State Department of Education (2018 Accountability Data: Academic Achievement). Downloaded 11/9/2018 from <http://www.sde.idaho.gov/assessment/accountability/index.html>

Note: For high schools, Idaho also includes a separate English/Language Arts and Math proficiency (or above) percentile rank for alternative high schools. The data represent four such schools overseen by the Idaho PCSC and are included in this analysis. ELA = English/Language Arts

**How to Read This Figure:** Each bar represents the number of schools having a proficiency percentage that ranks the school below the 50th percentile, between the 50th percentile and 80th percentile, and above the 80th percentile. For example, for schools serving grades K-8 in ELA, seven schools proficiency percentage ranked them below the 50th percentile, five ranked between the 50th percentile and 80th percentile, and five ranked higher than the 80th percentile. That also means that 10 schools (5+5) ranked above the 50th percentile.

**Number of Schools with Larger and Smaller Gaps in Proficiency Compared to the State for Economically Disadvantaged and Non-Economically Disadvantaged Students: 2017**

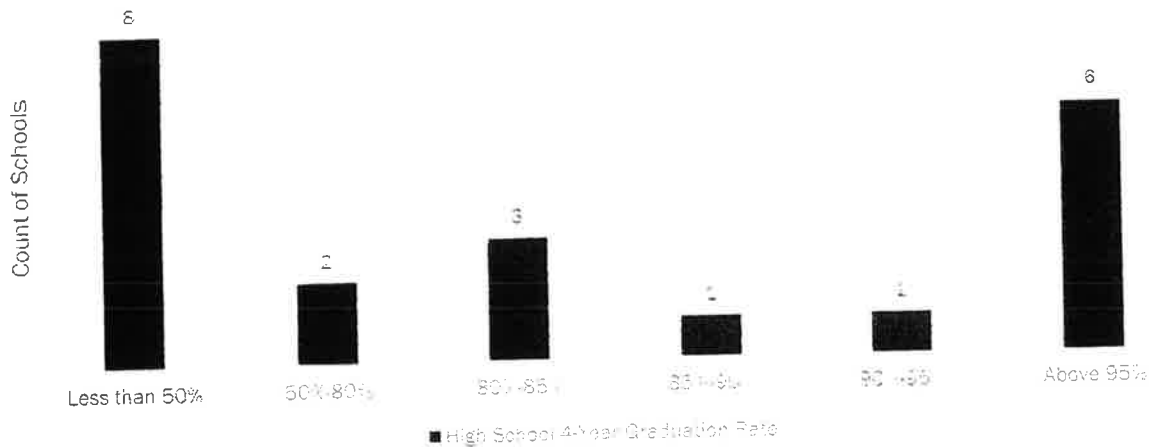


Source: Idaho State Department of Education (2018 Accountability Data: Academic Achievement). Downloaded 11/9/2018 from <http://www.sde.idaho.gov/assessment/accountability/index.html>

**How to Read This Figure:** The proficiency gap is the difference between the percent of economically disadvantaged and non-economic disadvantaged students scoring proficient (or above) on the state accountability assessment. For 2017 for the state of Idaho, that gap in ELA was 25 percentage points (65 percent proficient for non-economically disadvantaged students and 41 percent for disadvantaged students), and in Math was 24 percentage points (55.3 percent and 31.4 percent, respectively). For example, in Math there were two Idaho PCSC schools with a proficiency gap larger than the state's (i.e. 24 percentage points) and 19 schools with a gap smaller than the state's.



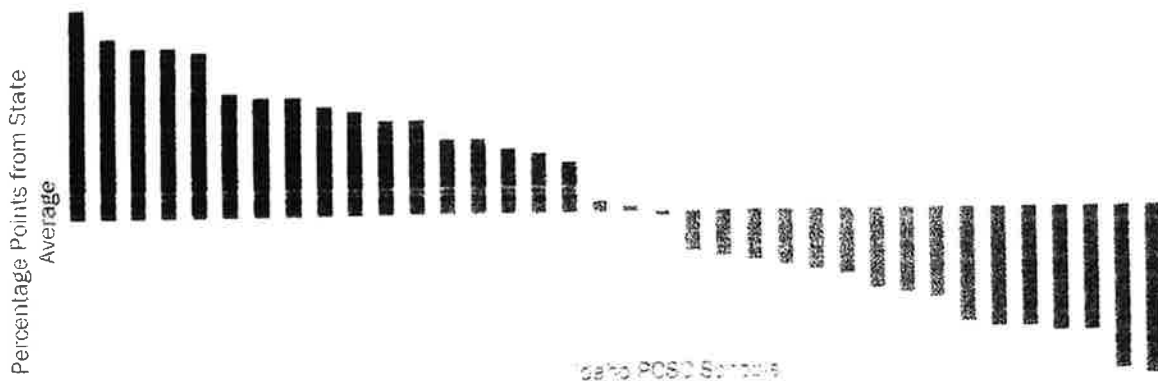
**Count of Schools at Multiple Graduation Rate Percentages: 2017**



Source: Idaho State Department of Education (2018 Accountability Data: Graduation Rate). Downloaded 11/9/2018 from <http://www.sde.idaho.gov/assessment/accountability/index.html>

**How to Read This Figure:** Each bar represents the number of high schools within a graduation rate band. For example, eight high schools had less than a 50 percent 4-year adjusted graduation rate as defined by the Idaho State Department of Education. For context, a 4-year adjusted graduation rate of 89.0 percent would be considered at the 50th percentile (i.e. state average). The greater of the typical and alternative high school graduate rate was used in this analysis.

**Idaho PCSC's Analyses<sup>2</sup> of Schools Above and Below the State Average in Proficiency in ELA: 2017**



<sup>2</sup> Idaho PCSC uses stricter inclusion criteria compared to Idaho State Department of Education when analyzing student performance. In contrast to the state, Idaho PCSC excludes alternate ISAT data, only includes students who were continuously enrolled from early in the school year through the test window, and conducts state comparisons at the grade level rather than at the school level. For this reason, we have included both the state's and the authorizer's reports of Idaho PCSC's portfolio performance.

**Idaho PCSC's Analyses of Schools Above and Below the State Average in Proficiency in Math: 2017**



Source: Idaho Public Charter School Commission (2017 Annual Report). Downloaded 2/13/2019 from <https://chartercommission.idaho.gov/pcsc-schools/pcsc-annual-report/>

Note: Alternative schools are not included in this analysis.

**How to Read This Figure:** Each bar represents one school's difference in performance compared to the state average for the enrolled. Positive (blue) bars indicate higher performance than the state; negative (gray) bars indicate lower performance than the state.

## EXECUTIVE SUMMARY

The Idaho Public Charter School Commission (Idaho PCSC) oversees a portfolio of 41 charter schools, including four schools that opened in the 2018-19 school year. The Idaho PCSC is an independent statewide commission composed of seven members appointed by the governor, speaker, or pro tempore. There are four full-time staff members focused on the charter authorizing work of the commission; these staff members serve within the Idaho State Board of Education office. Idaho PCSC shows diligence and intentionality in its academic analyses (e.g., conducting grade-by-grade comparisons; only including in the analyses students enrolled the entire year) to gather an accurate representation of portfolio performance, even though this results in lower proficiency rates than the state reports Idaho PCSC has earned. Based on Idaho PCSC's analyses, in 2017, just over half of its charter schools (54 percent) were meeting or exceeding performance expectations on the academic performance framework revised in 2016. While all four of Idaho PCSC's alternative schools posted performance that trended above state averages for alternative school performance, most of its virtual schools underperformed the state average.

Since NACSA's 2014 Authorizer Evaluation, Idaho PCSC has made several commendable improvements to its policies and practices that should continue to manifest in better charter school outcomes and portfolio performance in the coming years. Idaho PCSC has improved its performance frameworks, designed and implemented a charter renewal process, overhauled its new school application process, and revised its policies and procedures manual substantially. Idaho PCSC issues thorough annual reports to each school in the portfolio that summarize their performance against all three (academic, financial, and organizational) performance frameworks. These reports help schools understand how they are performing and form the basis for a body of evidence to consider in charter renewal. While there are opportunities to further improve Idaho PCSC practices discussed below, NACSA commends the authorizer for a clear commitment to continuous improvement, transparency, and strong support for charter schools in the state.

Interviews with school leaders and education stakeholders make evident that the staff at Idaho PCSC are well-respected and work hard to communicate clear expectations. The staff support schools that are struggling by working to ensure that schools understand expectations, laws, and regulations through meetings and written correspondence. Staff sometimes suggest resources or support organizations but do not overstep appropriate school autonomies. The strong positive relationship between Idaho PCSC and the schools it authorizes is further evidenced by the fact that several charter schools have sought to transfer into the Idaho PCSC portfolio over the past few years.

To improve portfolio performance over time, Idaho PCSC should apply rigorous quality standards in its new school application process. Having approved 100 percent of the new school applications that made their way through the process in the last two years, the Idaho PCSC's approval rate is much higher than the national average of 35 percent. NACSA encourages commissioners and staff to rigorously evaluate new school applicants and only approve those applicants that are fully credentialed, qualified, and prepared to open high-quality schools.

Almost half of schools in Idaho PCSC's portfolio have failed to meet overall performance expectations on the 2017 academic performance framework, suggesting that overall portfolio performance still needs improvement. Idaho PCSC has adopted clear policy language that schools should be renewed based on past performance, not promises of future improvement; the next step for Idaho PCSC is to implement this policy consistently in its recommendations and decision-making. Charter renewals should not be offered to schools repeatedly falling far below academic performance expectations. When offering conditional renewals, Idaho PCSC should evaluate the conditions in a timely manner (e.g., after one or two years of the new charter contract) and only utilize conditions in cases in which schools are reasonably close to meeting performance expectations.

Finally, the Idaho PCSC should develop a clear revocation policy and set of procedures to ensure that students do not languish in low-performing schools. Statute indicates that each authorizer should articulate a clear revocation process. Given that all charter contracts must be for a full five years in Idaho, it is important for Idaho PCSC to articulate and implement revocation processes that protect the interests of students.

## SUMMARY OF RECOMMENDATIONS

### ***Section 1: Organizational Commitment and Capacity***

- 1.1. Demonstrate a commitment to high-quality authorizing by implementing adopted policies with fidelity and holding schools to rigorous performance expectations.
- 1.2. Clarify and expand the current annual planning and goal-setting process to ensure that Idaho PCSC staff and commissioners are setting specific, measurable, attainable, relevant, and time-bound (SMART) goals each year as part of its commitment to continuous improvement.

### ***Section 2: Application and School Opening***

- 2.1. Enforce high expectations by only approving petitions from boards, school leaders, and founding teams that have sufficient capacity to oversee and run high-quality schools.
- 2.2. Apply clear quality criteria to evaluate new school petitions.
- 2.3. Include external evaluators in the application review process.

### ***Section 3: School Monitoring and Intervention***

- 3.1. Develop and implement a systematic process to evaluate schools on the operational framework that also leverages the renewal site visit.
- 3.2. Clarify intervention processes to stipulate triggers for intervention, Idaho PCSC procedural steps, and expectations for school responses.

### ***Section 4: Renewal, Expansion, and Closure***

- 4.1. Renew only schools that have met the standards for academic performance laid out in the accountability frameworks and embedded in the charter performance certificates.
- 4.2. Clarify and consistently enforce financial accountability policies.
- 4.3. Apply renewal conditions in a timely manner and amend Idaho PCSC policies and procedures to ensure that performance expectations are enforced for each year of the charter term.
- 4.4. Establish a clear revocation policy and process to ensure that schools can be held accountable to performance expectations in a timely manner.

## STRENGTHS AND SPOTLIGHTS

### **Organizational Capacity and Commitment**

*A quality authorizer engages in chartering as a means to foster excellent schools that meet identified needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits the human and financial resources necessary to conduct its authorizing duties effectively and efficiently.*

*Reference: NACSA's Principles & Standards for Quality Charter School Authorizing, Standard 1: Agency Commitment and Capacity; and Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project, pgs. 10 – 15.*

- Idaho Public Charter School Commission (Idaho PCSC) maintains policies that are well-aligned to NACSA's *Principles & Standards for Quality Charter School Authorizing*. Specifically, Idaho PCSC has a policies and procedures manual covering topics, such as new school petitioning processes, contract amendments, ongoing monitoring, and charter renewal. Idaho PCSC posts the manual publicly, which transparently articulates Idaho PCSC's roles and duties. The policies regularly cite state statute and Idaho PCSC updates them in a timely manner to reflect changes in statute.
- The commissioners on Idaho PCSC bring diverse skills and expertise, including a number who have been directly involved in charter school start-up. Many of the commissioners have direct professional experience in K-12 or higher education and several have served on local school boards or in elected roles within the state legislature. The commissioners adhere to a conflict of interest policy that applies to state employees and elected officials, as evidenced by meeting minutes that denote when commissioners have recused themselves from specific votes due to conflicts with applicant or renewal schools.
- Professional development is a priority for both staff and commissioners at Idaho PCSC, reflecting a commitment to continuous improvement in policy and practice. The director of the office, Tamara Baysinger, recently completed NACSA's Leaders' Program and has been a regular attendee at professional conferences related to charter authorizing and education reform for many years. Idaho PCSC's budget includes dedicated funds for professional development and memberships, and these funds are utilized appropriately as evidenced by the commissioner reports at the December 2018 regular meeting. At this meeting, several commissioners reported key takeaways and learnings from attending recent NACSA- and ExcelinEd-hosted conferences.
- Idaho PCSC has expanded its staff in recent years to provide oversight to its 41 charter schools. In addition to the director, there are two full-time program managers and a full-time administrative assistant, which represents a 1.5x full-time equivalent increase since the 2014 Authorizer Evaluation. While there is no specific recommended staffing ratio for authorizers, the current ratio of approximately one full-time equivalent per 10 schools is close to some other statewide authorizers; for example, the Massachusetts Board of Elementary and Secondary Education employs a staff of one full-time equivalent per eight schools authorized as of 2015-16. Idaho PCSC also contracts with education practitioners and experts to conduct site visits as part of the charter renewal process. The funding to cover this contracted support was a recent addition to the Idaho PCSC budget from the Idaho legislature. The seven appointed commissioners of the Idaho PCSC make all formal decisions on behalf of the Idaho PCSC.

### Applications and School Opening

*A quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; includes an interview of all qualified applicants; and grants charters only to applications that demonstrate strong capacity to establish and operate quality schools.*

*A quality authorizer uses the pre-opening process to build relationships, set expectations, and provide technical assistance to schools, and does not let schools open that have not demonstrated their readiness to serve students.*

*Reference: NACSA's Principles & Standards for Quality Charter School Authorizing, Standard 2: Application Process & Decision Making; and Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project, pgs. 16 – 20.*

- Idaho PCSC supports schools through the new school petition process by providing applicants with written feedback and then allowing applicants to submit revisions to their petitions. In the Spring 2018 petition cycle, Idaho PCSC provided clear written feedback to three schools; all three schools exercised their option to revise their petitions, resubmitted within the evaluation window, and Idaho PCSC ultimately approved each petition. This feedback-and-revision process is consistent with recommended practices identified in NACSA's Quality Practices Project, which states that high-quality authorizers have "a multi-stage process in which applicants are provided feedback and are permitted to respond to feedback during the process."
- To further support applicants in developing their new school applications, Idaho PCSC provides helpful guidance in their new school petition process that goes beyond a simple checklist of required items. Rather than formalizing a long list of questions to which an applicant must respond, the guidance document explains statutory requirements and provides suggested considerations in developing a new school petition. The guidance document provides tips on how best to form a good mission statement, how to describe the educational program, the importance of boards, and the need to keep in mind "Founders Syndrome" (in which a founder does not want to relinquish the day-to-day work of operating the school to staff, resulting in micromanaging the administrator or even teachers), etc. The guidance document suggests that the applicant consider enlisting the help of qualified individuals who understand Idaho public school funding in creating a balanced budget for the new school. Helping applicants locate support resources and critical information is an important best practice highlighted in NACSA's Quality Practices Project.



### PRACTICE SPOTLIGHT

Idaho PCSC's pre-opening process supports schools significantly. The process aligns to statutory expectations for standard conditions that a school must satisfy prior to opening. It creates a transparent mechanism for Idaho PCSC to track items, such as securing the facility, obtaining a certificate of occupancy, conducting fair and transparent enrollment lotteries, and establishing health and safety protocols. In interviews, school leaders reported that the pre-opening support was very helpful, especially regarding the availability of Idaho PCSC staff members to meet regularly with school staff and focus the meetings on the particular needs of individual schools.

The robust pre-opening process provides support to schools and establishes accountability around the standard pre-opening conditions. Central to Idaho PCSC's pre-opening support is a detailed spreadsheet of tasks for a board and school leadership to complete during the planning year. The spreadsheet organizes tasks into categories, such as finance, governance, facility, technology, and transportation. Additionally, over the course of the pre-opening year, Idaho PCSC staff members conduct at least five meetings and one on-site school visit to determine the extent to which the school is on track to open successfully.

### School Monitoring and Intervention

*A quality authorizer defines and incorporates into the charter contract, clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal.*

*A quality authorizer conducts contract oversight that competently evaluates performance and monitors compliance; ensures schools' legally entitled autonomy; protects student rights; informs intervention, revocation, and renewal decisions; and provides annual public reports on school performance.*

*Reference: NACSA's Principles & Standards for Quality Charter School Authorizing, Standard 3: Performance Contracting and Standard 4: Ongoing Oversight and Evaluation; and Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project, pgs. 13 – 15.*

- Idaho PCSC provides helpful support to charter leaders who join their schools after a petition has been granted or after a school has opened. The school leader guidance document contains succinct and clear information to help new school leaders understand the landscape of regulatory entities involved with charters, as well as various ongoing monitoring processes and performance expectations. The document explains how Idaho PCSC will notify schools of academic, operational, and financial concerns. It provides a helpful summary of the responsibilities of the State Board of Education, the State Department of Education, and the Public Charter School Commission, and includes a timeline of reports that schools must submit. The document also includes a summary of what Idaho PCSC measures and includes in the Annual Performance Reports, with helpful examples of how to interpret academic performance measures. Idaho PCSC makes this document available on its website and shares it with newly hired principals joining schools in the portfolio.
- The charter contract, called the performance certificate, contains many components that make for a clear relationship and understanding between Idaho PCSC and the charter school. The performance certificate template includes language regarding Idaho PCSC's ability to non-renew or revoke a charter if the school does not meet academic, organizational, or financial performance expectations. The performance certificate does not contain any provisions or unusual language that infringe on school autonomy. While the performance certificate is strong overall, Idaho PCSC could further strengthen it by specifying what kinds of programmatic or operational changes rise to the level of being "material" and thus requiring authorizer approval.
- Idaho PCSC creates annual reports that provide consistent and actionable information to schools. The annual report explicitly summarizes the school's annual performance against the three key performance frameworks: academic, operational, and financial. The annual report contains indicators, measures, and metrics for student academic proficiency, student academic growth, post-secondary readiness (for high schools), and board performance and stewardship. In interviews, school leaders expressed that information in the report is helpful and informs their practices, especially regarding school operations, finances, and board practices. In a recent survey of school leaders, 88 percent of respondents (15 of 17) agreed that Idaho PCSC evaluates schools regularly. Notably, at the time of NACSA's previous evaluation in 2014, Idaho PCSC had planned – but had not yet developed – the current annual report format aligned to recent statutory requirements.



## PRACTICE SPOTLIGHT

School closure is one of the more difficult but also impactful parts of charter authorizing. Ideally, the closure process proceeds respectfully and collaboratively between the school's staff, board of directors, and the authorizer. In practice, tense conversations and conflict can inhibit an orderly closure process. For this reason, NACSA recommends that authorizers maintain a "detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law" (*Principles and Standards*, pg. 21).

Idaho PCSC has developed a detailed closure protocol that supports these critical steps and could serve as a model to other authorizers. The protocol was developed in careful consideration of best practice guidance from NACSA and exemplar materials from other authorizers, such as the State University of New York and the Colorado Charter School Institute. There is a clear conceptual timeline that identifies student, parent, and staff notification as a first step in the process. A detailed table outlines specific tasks and assigns responsible parties to ensure that tasks are carried out. The table maintains space to note deadlines and status throughout the process as a tracking and documentation tool. The level of detail and clarity in the document is exemplary for structuring a transparent and orderly closure process.

### Renewal, Expansion, and Closure

*A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions and revokes charters when necessary to protect student and public interests.*

*A quality authorizer encourages high-performing charter schools to expand through a transparent process based on clear eligibility standards and historical performance records.*

*Reference: NACSA's Principles & Standards for Quality Charter School Authorizing, Standard 5: Revocation and Renewal Decision Making; and Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing: Findings from the Quality Practice Project, pgs. 16 – 17.*

- As part of its commitment to transparency, Idaho PCSC provides strong guidance and support to schools throughout the renewal process. The "Performance Certificate Renewal Process" guidance document outlines a multi-year timeline connecting annual performance reports to the renewal process occurring in the final year of charter contract. The "Reporting Auxiliary Data at Renewal" guidance document explains how schools can submit additional academic performance data as part of the renewal process and provides guidance about what types of data are most helpful. To ensure that schools understand their prospects for renewal, as well as the process in general, Idaho PCSC staff meet with each charter school personally in the year prior to its renewal to review school performance and discuss the process.
- The adopted policies and procedures for charter renewal demonstrate Idaho PCSC's intention to make outcomes-based renewal decisions. For example, the policies indicate that "renewal decisions shall be based on past outcomes, not on the promise of future improvement." This language is consistent with NACSA's *Principles & Standards* for charter authorizing and makes clear the expectation that school outcomes are central to renewal decision-making. While the articulated policies are strong, the recommendations that follow in this document highlight opportunities to implement the policies with fidelity.



## RECOMMENDATIONS | ORGANIZATIONAL CAPACITY AND COMMITMENT

*A quality authorizer engages in chartering as a means to foster excellent schools that meet identified needs, prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.*

### **Recommendation 1.1: Demonstrate a commitment to high-quality authorizing by implementing adopted policies with fidelity and holding schools to rigorous performance expectations.**

While Idaho PCSC has made great strides in revising and improving the policies that guide its work in recent years, the authorizer does not consistently hold schools accountable to meeting expectations. Idaho PCSC has made revisions both in response to statutory changes and as part of the organization's continuous improvement efforts. One significant statutory change was the introduction of a charter renewal process; prior to 2014 legislation, charter contracts were issued for an indefinite time period and there was no explicit renewal process. From 2014 through 2016, Idaho PCSC designed a new performance framework, created a renewal process, and updated its policies and procedures to outline roles and expectations. The first two rounds of charter renewal occurred in 2017 and 2018. Simultaneously, Idaho PCSC has been working to continuously improve its new school process.

While Idaho PCSC has dedicated time and expertise to developing high-quality policies and practices, there are recent instances in which staff recommendations and/or commissioner decisions have not upheld the adopted performance standards. For example, consistent with language from NACSA's *Principles & Standards*, Idaho PCSC has adopted a policy that renewal decisions shall be "based on documented outcomes" and "past outcomes, not on promises of future improvement" (Idaho PCSC policies Section V). However, Idaho PCSC has renewed 25 out of 25 schools in the first two years of charter renewal, 14 of which had received the academic designation of "remediation" or worse in the year preceding their renewal. In these same two years, the commission approved eight out of eight new school applications, including one application in which the commission overruled a staff recommendation to deny. These decisions do not fully align to performance frameworks and adopted policies. In interviews, staff noted that several aspects of school accountability changed simultaneously; namely, Idaho PCSC adopted a new performance framework, the state adopted a new standardized assessment, and schools were subject to new contract terms that had not existed previously. In this context, Idaho PCSC staff and commissioners felt a potential non-renewal decision would have been indefensible on appeal. Additionally, commissioners noted that strong pro-charter groups have created political pressure to renew

charter schools across the state. This practice does not align with NACSA *Principles & Standards*, which states that a high-quality authorizer does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement (page 20). In the coming years, Idaho PCSC should ensure that decisions align with its stated commitment to high-quality authorizing by non-renewing charter schools that receive low accountability ratings for consecutive years and only approving new school applicants that fully meet rigorous quality criteria.

### **Recommendation 1.2: Clarify and expand the current annual planning and goal-setting process to ensure that Idaho PCSC staff and commissioners are setting specific, measurable, attainable, relevant, and time-bound (SMART) goals each year as part of its commitment to continuous improvement.**

As noted in the Strengths section, Idaho PCSC evidences a commitment to continuous improvement through ongoing professional development and specific improvement efforts, such as the development of clear policies and procedures. However, Idaho PCSC does not have an explicit goal-setting process conducted among commissioners and staff. At present, the staff evidence strong knowledge of state statute and national best practice, and can clearly articulate specific steps Idaho PCSC has taken to improve authorizing policy and practice. However, there is not a clear process or document to identify SMART goals for the commission each year. SMART goals would ensure alignment between commissioners and staff, and provide an opportunity to articulate goals in terms of school performance and measure progress toward those goals. In interviews, commissioners noted that they generally do not provide direct input into annual planning processes for the staff. At the observed December 2018 commission meeting, commissioners exemplified their commitment to continuous improvement as they discussed takeaways from recent conferences. For example, commissioners noted a desire to learn more about states, such as Colorado, in which district-issued tax-exempt bond dollars are accessible to charter schools for facilities. Idaho PCSC will better leverage staff and commissioner expertise and commitment if it conducts an explicit annual goal-setting process and then ties its goals back to opportunities to improve the overall performance of charter schools in its portfolio.

## RECOMMENDATIONS | APPLICATIONS AND SCHOOL OPENING

*A quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; includes an interview of all qualified applicants; and grants charters only to applications that demonstrate strong capacity to establish and operate quality schools.*

*A quality authorizer uses the pre-opening process to build relationships, set expectations, and provide technical assistance to schools, and does not let schools open that have not demonstrated their readiness to serve students.*

### **Recommendation 2.1: Enforce high expectations by only approving petitions from boards, school leaders, and founding teams that have sufficient capacity to oversee and run high-quality schools.**

While Idaho PCSC staff members thoroughly review each petition and make deliberate and thoughtful approval or denial recommendations, there remains some misalignment between staff recommendations and commissioners' decisions. Idaho PCSC's executive director and both program managers read each application in full, write individual analyses, and discuss those analyses. The staff recommendations to the commissioners note areas of weakness and often propose conditions as part of the approval recommendations. However, commissioners have occasionally removed suggested conditions or gone against staff recommendations altogether, which has on occasion resulted in failed or troubled schools. For example, a school that commissioners approved against staff's recommendation has failed to meet several basic terms of its contract, has faced high staff and board turnover, and has garnered community complaints and compliance violations.

Additionally, Idaho PCSC placed conditions on more than a third of approved petitions in the past two years, suggesting that several approved applicants were not yet ready to open schools. Overall, Idaho PCSC has approved 100 percent of the charter petitions that have come before the commission in the past two years. In interviews, commissioners acknowledge that, in retrospect, they should not have approved some of the recent applications or at least required some applicants to undergo an additional planning year in order to open successfully. This is a continuation of a trend that NACSA identified in 2014, when Idaho PCSC was approving the great majority of petitions despite significant shortcomings. Given the recently awarded federal CSP grant and expected influx of charter applications, it is particularly important to ensure alignment among staff members and commissioners now to enforce high expectations for new applications.

As part of enforcing high expectations for new school applicants, commissioners should take note when staff point out weaknesses in the founding board and/or school leadership teams as part of their due diligence and analysis. In interviews, commissioners recognize the need to improve

screening and expectations for the capacity of board members. To support commissioners in better understanding how staff are evaluating the capacity of founding teams, Idaho PCSC should consider more detailed training for commissioners in both nationally accepted best practices and the details of the current evaluation process, such as the capacity interview that the staff conducts.

Idaho PCSC's new petition committee is an encouraging development in this regard. In 2018, Idaho PCSC established a petition committee composed of commissioners and staff members to support a more thorough analysis of incoming applications and create the space for detailed reflection on past application cycles. In interviews, commissioners and staff members assert that the newly established committee enables them to focus on particular issues and better understand the rationale behind staff members' recommendations. The petition committee is a positive step toward improving alignment between staff recommendations and commissioner decision-making in an effort to enforce rigorous standards.

### **Recommendation 2.2: Apply clear quality criteria to evaluate new school petitions.**

Idaho PCSC currently uses its guidance documents for new school applicants and for outlining standards of quality to establish and apply quality criteria for new school applicants. However, the documents do not fully align and do not clearly present quality criteria for new school applicants. There are elements of Idaho PCSC's new school evaluation process that reflect best practices outlined in NACSA's *Principles & Standards*, including substantive in-person interviews with each qualified applicant (pg. 13). Yet in interviews, staff explained that the standards of quality were developed after the guidance document and that the two documents present a few inconsistencies; for example, the guidance document suggests applicants include their rationale for selecting an Educational Service Provider (ESP) but the standards of quality do not clarify selection criteria for an ESP beyond evidence that an ESP "provides high-quality service to similar schools." (Standards of Quality Appendix E sub-bullet d.) While staff attempt to use the standards of quality to review each application, the document is general enough such that reviewers can interpret and apply expectations differently. For example, one part of the document reads, "The special services plan is

complete and addresses the needs of special populations, including, but not limited to: special education, at-risk, gifted, and English Language Learners.” While this statement identifies general content that should be included in an application, it does not describe the details that a quality response should include. For instance, it does not instruct the reviewer that schools must have processes in place to identify students with special needs or that once an Individualized Education Plan has been established, it must be updated regularly and discussed with parents. In interviews, Idaho PCSC staff indicate that they used to employ a more detailed rubric as part of the application review process but ultimately discontinued use of that rubric because it seemed to provide too much guidance to applicants and not enough space for staff to exercise professional judgment. While NACSA acknowledges that authorizers should use professional judgment when evaluating applications, it is still important that “evaluation criteria describe both the rigorous standard and the specific information required to meet the standard” (Quality Practices Project, pg. 18). Idaho PCSC should ensure full alignment between the guidance document and the standards of quality document, and further, provide sufficient detail to apply quality criteria objectively.

Per NACSA’s *Principles & Standards* (pg. 13), incorporating external evaluators with educational, organizational, financial, and legal expertise will provide important perspectives to commissioners and highlight relevant best practices. External reviewers often have experiences working with other authorizers and in other states, and thus can bring additional perspectives and expertise to the petition review process. This added capacity ultimately benefits Idaho PCSC staff members and commissioners by increasing breadth of expertise and by limiting the burden of all Idaho PCSC staff reading every petition. Additionally, in cases of application denial, the inclusion of external evaluators helps legitimize such decisions to the public.

**Recommendation 2.3: Include external evaluators in the application review process.**

While Idaho PCSC staff members collaborate internally to evaluate new school applications, Idaho PCSC does not currently employ external reviewers. External reviewers would strengthen the process and help substantiate staff recommendations to commissioners. Idaho PCSC staff members should train each external reviewer on Idaho PCSC’s most updated petition review process. Every external reviewer should provide a thorough written analysis of the petition and participate in the related capacity interview.

## RECOMMENDATIONS | SCHOOL MONITORING AND INTERVENTION

*A quality authorizer defines and incorporates into the charter contract clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal.*

*A quality authorizer conducts contract oversight that competently evaluates performance and monitors compliance; ensures schools' legally entitled autonomy; protects student rights; informs intervention, revocation, and renewal decisions; and provides annual public reports on school performance.*

### **Recommendation 3.1: Develop and implement a systematic process to evaluate schools on the operational framework that also leverages the renewal site visit.**

Though the operational performance framework measures are strong, Idaho PCSC has not fully codified how it tracks submissions and how each submission maps to an indicator on the framework. To evaluate a school against the framework, Idaho PCSC currently collects some information from schools and other state agencies, including the Department of Education. However, Idaho PCSC does not efficiently collect all requisite information or appropriately categorize that information. For example, the Department of Education oversees charter school compliance with special education law and maintains all the information regarding compliance with the law. Special education compliance also appears on Idaho PCSC's operational framework but Idaho PCSC does not have a defined procedure to obtain specific compliance information from the Department of Education on a set timeline. With multiple sources of information, it is especially critical that Idaho PCSC codify the process to obtain data on each operational framework indicator to consistently hold all schools accountable for their performance.

To improve operational oversight, Idaho PCSC should continue the work it has started to map the various documents and data submissions to the indicators on the operational framework. This map should align to the submissions calendar that Idaho PCSC already supplies to schools and the map should articulate the specific evidence used to evaluate each indicator. The mapping process itself will help staff identify areas of the framework in which Idaho PCSC may not be presently collecting sufficient data or information. For example, in interviews staff mentioned that they do not pro-actively collect information about school enrollment practices each year and instead rely on community members or school staff members to raise any enrollment concerns directly to Idaho PCSC. Instead, Idaho PCSC could review enrollment forms and/or lottery documents or even use a "mystery caller" strategy to confirm that schools are adhering to open enrollment rules. In addition to the map, Idaho PCSC should continue its work to develop a data system or tracking tool that confirms whether a school has submitted each item in a timely manner and whether the item met expectations.

Finally, Idaho PCSC should embed operational framework components into the pre-renewal site visit rubric to capitalize on the opportunity to confirm previously submitted information. The pre-renewal site visit is the only site visit during which Idaho PCSC uses pre-established criteria to evaluate a school; other site visits are primarily for relationship-building visits and occur in an ad hoc manner. Currently, site visit evaluators collect some qualitative information pertinent to Idaho PCSC's operational framework, such as whether the school is faithful to its mission and is implementing the key design elements outlined in the performance certificate. However, the site visit rubric does not address the organizational framework and does not include important components of the framework, such as employee credentialing, background checks, and information handling, among other items. Idaho PCSC could verify, or spot check, all these components during the pre-renewal site visit.

### **Recommendation 3.2: Clarify intervention processes to stipulate triggers for intervention, Idaho PCSC procedural steps, and expectations for school responses.**

Though Idaho PCSC has several building blocks of a clear intervention process in place, triggers, procedural steps, and expected school responses are not codified fully. Idaho PCSC provides courtesy letters to schools when concerns arise regarding a school's operations, legal compliance, or academic status. For financially underperforming schools, Idaho PCSC has the option to issue a notice of concern and has, at times, requested more frequent financial reports from a school. Idaho PCSC also notifies the Department of Education, which may elect to modify the school's payment schedule to ensure that funds are not advanced to a financially faltering school. However, the courtesy letters and financial notices of concern do not consistently explain what procedural steps Idaho PCSC will take to support schools nor do they always identify clear time-bound expectations for schools to rectify the issues. For example, in a recently issued sample notice of concern, Idaho PCSC notes that the school in question is likely to experience a substantial budget shortfall based on low enrollment but does not require a follow-up response from the school, such as submitting a revised balanced budget on a specific

timeline. Clearly documenting procedural steps and schools' responses to notices of concern would enable Idaho PCSC to address problematic practices consistently across its portfolio and would also hold schools accountable to meeting expectations.

Idaho PCSC has not clearly identified the levels of under-performance that trigger intervention or that could impact renewal prospects. The 2017 portfolio annual report identifies a number of schools that were underperforming in the operational or financial frameworks. However, there was not a clear paper trail of courtesy letters or notices of concern for each of the impacted schools and it appeared that some performance issues had persisted for multiple years. For example, as of January 2018, there were at least three schools that had not met expectations on the financial performance framework for multiple consecutive years. Furthermore, two of these schools were renewed in 2018 without specific financial conditions to their renewal. In interviews, commissioners acknowledge that Idaho PCSC has not placed suitable financial performance conditions on schools demonstrating financial shortcomings. Additionally, commissioners suggest in interviews that Idaho PCSC finds it difficult to enforce interventions while still providing schools the appropriate level of autonomy. To protect school autonomy, Idaho PCSC should avoid prescriptive inputs that change the school's program and, instead, focus on establishing clear expectations for outputs.

While preserving the existing policies regarding courtesy letters and notices to entities responsible for enforcement, Idaho PCSC should develop more detailed procedures to guide intervention. Drawing from NACSA's *Principles & Standards*, Idaho PCSC should develop and publish intervention procedures that state the conditions that may trigger intervention and the types of actions that may result. Clearly identifying the triggers for different tiers of intervention would enable Idaho PCSC to provide consistent support to schools in similar situations. The procedures should include provisions such that, for a school rated as "does not meet" on a specific indicator, Idaho PCSC codifies the improvements necessary and the expected timeline, based on the severity of the issue. The procedures should also include descriptions of how non-compliance could escalate to becoming a condition on renewal and/or a possible component of a non-renewal or revocation decision. Additionally, Idaho PCSC should issue and enforce notices of financial concern that include specific time-bound corrective action and, if a school is going through a renewal, include the same types of specific and time-bound corrective action steps as conditions to the renewal. Idaho PCSC should consider conducting more regular site visits using clear evaluative criteria, in addition to the pre-renewal site visit, to schools with intervention plans. Specific, time-bound, and published Idaho PCSC intervention procedures would support the schools in greatest need of improvement.

## RECOMMENDATIONS | RENEWAL, EXPANSION, AND CLOSURE

*A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions and revokes charters when necessary to protect student and public interests. A quality authorizer encourages high-performing charter schools to expand while establishing clear eligibility standards for school past performance and a clear process for considering expansion and replication requests.*

### **Recommendation 4.1: Renew only schools that have met the standards for academic performance laid out in the accountability frameworks and embedded in the charter performance certificates.**

Though Idaho PCSC has strong stated policies and procedures to hold schools accountable for performance, decisions to renew schools do not consistently align to the established performance expectations. In the spring of 2018, Idaho PCSC renewed 13 charter schools, but only seven of these schools met academic performance expectations in the most recent year (i.e. 2016-17) and only four schools met academic expectations in at least three of the four years under review. Similarly, in 2017, Idaho PCSC renewed 12 charter schools but only four of the 12 schools had met academic expectations in the most recent year (i.e. 2015-16). As noted in Recommendation 1.2, the renewal process is still relatively new alongside new standardized assessments and other accountability-related statutory changes. While the nascency of the overall process and the changes to the academic performance framework can complicate the application of rigorous expectations in renewal, the net effect of these two cycles of charter renewal could be detrimental to students, as evident in the assessment data. Ten of the recently renewed charter schools have math proficiency rates more than 15 points lower than the state average and two of these schools are more than 30 points lower than the state average. Four of the recently renewed charter schools have literacy proficiency rates more than 15 points lower than the state average. Furthermore, because Idaho statute only provides for a five-year charter contract term, each renewed school received five additional years to serve students.

Idaho PCSC policies indicate that “the [school’s] academic accountability designation shall guide the PCSC’s renewal or non-renewal decision-making” and further that “schools achieving an academic accountability designation of critical are likely to be recommended for non-renewal.” These policies align to NACSA *Principles & Standards*, which state that a quality authorizer “grants renewal only to schools that have achieved the standards and targets stated in the charter contract” and by extension, the performance frameworks articulated in that contract. The established policy aligns to both statute and NACSA recommendations by creating a focus on academic achievement in renewal decision-making. However, decision-making does not align to the stated policy. If implemented as written, the renewal policy could ensure that students are not continuing to

attend schools that significantly underperform state averages.

### **Recommendation 4.2: Clarify and consistently enforce financial accountability policies.**

Idaho PCSC renewal decisions and conditions on applicable renewals do not consistently reflect whether a charter school has met expectations on the financial performance framework. In the 2018 renewal cycle, Idaho PCSC recommended four schools for renewal, inclusive of evidence that the schools were not meeting financial performance expectations. Two of these schools received “critical” ratings on the financial performance framework and yet the renewal recommendations did not include specific financial targets for the schools to reach during their renewed performance certificates. Idaho PCSC policies indicate that “the academic accountability designation shall guide Idaho PCSC’s renewal or non-renewal decision-making. Renewal or non-renewal decision-making shall also be influenced by results on the financial, operational, and mission-specific sections of the framework.” This policy statement indicates that financial performance should factor into renewal decisions but it does not clearly state that a school could be non-renewed based solely on its financial performance. To ensure that schools maintain appropriate financial sustainability, Idaho PCSC should clarify in policy and practice that schools could be non-renewed based on their financial performance. Furthermore, when making renewal decisions for schools with persistently poor financial performance, Idaho PCSC should either non-renew the school or establish specific, time-bound conditions for improvement that will be applied promptly in the new charter term, consistent with Recommendation 4.1 in this section. It is important to enforce expectations for financial performance and sustainability to ensure continuity of service to students. If a school must close suddenly due to financial concerns, students may not have sufficient time to identify a new high-quality school to attend or that school may already be full.

### **Recommendation 4.3: Apply renewal conditions in a timely manner and amend Idaho PCSC policies and procedures to ensure that performance expectations are enforced for each year of the charter term.**

Idaho PCSC has offered conditional renewals to all schools

that were not meeting performance expectations at the time of their renewal. However, the conditions are not evaluated until three years into the new performance certificate and thus not soon enough to fully protect the interest of students. In the past two years, Idaho PCSC has offered conditional renewal to 14 out of 25 charter schools that were not yet meeting academic performance expectations as of their renewal. Idaho PCSC placed performance conditions on these renewals designed to facilitate progress monitoring during the term of the new performance certificate. However, there is a time lag between the start of the new contract and the effective date for the performance conditions. For example, a school that earned renewal in 2018 received academic conditions to be evaluated after the conclusion of the 2020-21 school year, more than three years after the renewal decision and into the fourth year of the renewed charter term. Conditions should be evaluated in a timely manner and in a stepwise progression. For example, if Idaho PCSC provides renewal conditions in the spring, a school would have sufficient notice to plan and implement program improvements that should produce results at the end of the first year of the new contract. For conditions requiring more time to address, Idaho PCSC should hold schools accountable to implementing planned programmatic changes that demonstrate gradual improvements and culminate in the school meetings its conditions by an appropriate timeline determined by Idaho PCSC.

Idaho PCSC should clarify language in its adopted policies to ensure that schools understand that renewal decisions, including conditional renewals, will be based on a cumulative performance record. The policies currently state that “schools achieving *an* academic accountability designation of honor or good standing shall be recommended for renewal” [emphasis added]. The use of the article “an” in this part of the policies suggests that renewals hinge primarily on the most recent year of performance. Idaho PCSC should amend existing authorizing policies and applied practices to ensure that the full cumulative performance record factors into the renewal decision, including whether the school receives a conditional renewal.

**Recommendation 4.4: Establish a clear revocation policy and process to ensure that schools can be held accountable to performance expectations in a timely manner.**

While Idaho PCSC maintains many clear policies and processes in the areas of annual performance reviews and charter school renewal, there is not an explicit policy nor procedure for charter school revocation beyond what is specifically articulated in statute, and the statute has some ambiguity in this area. In interviews, staff indicated that when the statute changed to require regular charter renewals, the focus of the authorizing work shifted from revocation to renewal as the primary mechanism to enforce school accountability. However, in the process of rolling out the new renewal policies and processes, Idaho PCSC has sacrificed some clarity regarding the grounds for revocation. At present, Idaho PCSC contends that charter revocation is only possible in two situations. The first is revocation if the school does not meet a specific written condition for school improvement. The second is revocation in the event of an imminent public safety issue. These two reasons are articulated in Section 33-5209C(7) of the Idaho statute. However, another portion of statute indicates that “an authorized chartering entity must develop revocation and non-renewal processes” and further that the prospect of revocation or renewal “shall be limited to failure to meet the terms of the performance certificate *or* the written conditions established pursuant to the provisions of subsection (1) of this section,” [emphasis added] Section 33-5209B(8). Considering the “or” component of this statement, the statute suggests that non-renewal or revocation can occur if a school fails to meet the terms of its performance certificate (i.e. charter contract). Further, the statute indicates that authorizers should develop articulated processes to conduct such a revocation. NACSA recommends that Idaho PCSC return to addressing revocation clearly in its adopted policies. A clear revocation policy should identify the performance levels over time that would trigger revocation and reference back to the statutory expectation that a school meet all the terms of its performance certificate.

## LOOKING FORWARD

### SHORT-TERM RECOMMENDATIONS

#### RECOMMENDATION

1.2. Clarify and expand the current annual planning and goal-setting process to ensure that Idaho PCSC staff and commissioners are setting specific, measurable, attainable, relevant, and time-bound (SMART) goals each year as part of its commitment to continuous improvement.

2.2 Apply clear quality criteria to evaluate new school petitions.

2.3 Include external evaluators in the application review process.

3.2. Clarify intervention processes to stipulate triggers for intervention, Idaho PCSC procedural steps, and expectations for school responses.

4.3. Apply renewal conditions in a timely manner and amend Idaho PCSC policies and procedures to ensure that performance expectations are enforced for each year of the charter term.

4.4. Establish a clear revocation policy and process to ensure that schools can be held accountable to performance expectations in a timely manner.

### LONG-TERM RECOMMENDATIONS

#### RECOMMENDATION

1.1. Demonstrate a commitment to high-quality authorizing by implementing adopted policies with fidelity and holding schools to rigorous performance expectations.

2.1. Enforce high expectations by only approving petitions from boards, school leaders, and founding teams that have sufficient capacity to oversee and run high-quality schools.

3.1. Develop and implement a systematic process to evaluate schools on the operational framework that also leverages the renewal site visit.

4.1. Renew only schools that have met the standards for academic performance laid out in the accountability frameworks and embedded in the charter performance certificates.

4.2. Clarify and consistently enforce financial accountability policies.

### HELPFUL RESOURCES AND PROGRAMS

- To support development of a rubric for the new school petition process, see NACSA's guidance on Application Process and Decision Making ([https://www.qualitycharters.org/wp-content/uploads/2018/11/NACSA\\_Core\\_Resources\\_Application\\_Process\\_and\\_Decision\\_Making.pdf](https://www.qualitycharters.org/wp-content/uploads/2018/11/NACSA_Core_Resources_Application_Process_and_Decision_Making.pdf))



- To improve ongoing monitoring work, Idaho PCSC could consult NACSA's intervention protocol ([https://www.qualitycharters.org/wp-content/uploads/2019/01/Intervention\\_Protocol.pdf](https://www.qualitycharters.org/wp-content/uploads/2019/01/Intervention_Protocol.pdf))
- To support the development of a revocation policy and process, Idaho PCSC could review NACSA's guidance on tiered intervention ([https://www.qualitycharters.org/wp-content/uploads/2019/01/Intervention\\_Protocol.pdf](https://www.qualitycharters.org/wp-content/uploads/2019/01/Intervention_Protocol.pdf))

## BIOGRAPHIES

**Brenna Copeland** is the founder of EdPlex, a consulting company focused on supporting schools and districts to rapidly improve student achievement. Brenna has helped establish school accountability procedures at the state and local levels, analyzed district supports through a lens of academic outcomes, and helped governing bodies make data-driven decisions in the interest of students. Brenna has 16 years of experience in the education field among high-performing charter schools and districts. She led Denver Public Schools' charter and innovation school authorizing work from 2011 to 2015, responsible for more than 80 schools. Previously, Brenna co-founded a network of K-8 charter schools in Washington D.C. She also served as the CFO at KIPP DC while that charter network grew from one to five schools. Brenna has a certificate from Relay Graduate School of Education in Principal Supervision, an MBA from Duke University, and a BA from Rice University.

**Adam Aberman** is the CEO and founder of The Learning Collective (TLC). Adam has profound content expertise in technology-based innovation and a 20-year track record educating young people in numerous venues, from traditional public schools to school district administration trainings. Over the past 15 years, Adam has assessed more than 200 current – and 100 proposed – charter schools nationally (California, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, New Jersey, New York, and Washington), including being the lead writer for charter renewal inspection visits, charged with evaluating schools and writing the reports that are submitted to authorizers. During every school visit, Adam evaluates the effectiveness of charter schools on a wide range of issues. The range of issues includes schools' use of assessment data, curricular development and alignment with the Common Core, instructional leadership and staff evaluations, classroom instruction, professional development, board governance, parental involvement, and school finances. Adam has also worked with the NACSA and other organizations on evaluation and strategic planning projects regarding Florida, Minnesota, New York, and Ohio authorizers. Other TLC clients have included Alliance College-Ready Public Schools, Chicago Public Schools, College Board, Inglewood Unified School District, KIPP, Tiger Woods Foundation, and UCLA. Adam received an MPP, with an emphasis in Education, from Harvard University's Kennedy School of Government, and a BA from Vassar College.

## SOURCES

Idaho Charter School Law  
Budget Documents  
Organizational Charts  
Annual Report

Application Packet and Criteria  
Applicant Materials and Sample Applications  
Capacity Interview Materials  
Pre-opening Materials

Charter School Contract and Sample Contracts  
Monitoring Guidance  
Charter School Performance Framework  
Site Visit Protocol and Reports

Renewal Contracts and Applications  
Renewal Reports  
Expansion Amendment Requests  
Closure Notices and Protocol  
Renewal Process Guidance for Schools  
Sample Closure Plan

Interviews with Staff, Board Members, and School Leaders  
School Leader Survey

