

# STATE BOARD OF EDUCATION

MAY 18-19, 2004

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## **SUBJECT**

Identification of the Idaho Virtual Academy (IDVA) as a Local Education Agency (LEA)

Delegation of authority to the Executive Director for future designation of LEA status.

## **APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Code §33-5203

Congressional Federal Register 34 CFR 300.18

## **BACKGROUND**

Governor Kempthorne's Charter Reform Bill directed the State Board of Education to identify those public charter schools that would be identified as a Local Education Agency (LEA). Board staff is currently drafting Board rule for consideration at the June meeting that will create a consistent metric for that identification. The request for LEA status for the Idaho Virtual Academy requires immediate action and so is before the Board at this meeting.

## **DISCUSSION**

The 2004 Legislature enacted legislation to increase the funding for virtual charter schools to a level that would provide for successful on-going operation. A significant part of this increased funding was to come from Federal Grant monies, which would flow directly to the school as a result of being designated as an LEA. IDVA was specifically considered for these funds by the drafters of the legislation.

The Board has the authority under the Charter School law (I.C. 33-5203(7)) to designate whether a public charter school will be considered to be an LEA. This action will enable legislative intent and allow federal funds to be sent to IDVA. It is also appropriate in that IDVA has applied for a charter approval under the Charter School commission.

## **IMPACT**

This action will allow the State Department of Education to send federal education monies consistent with Legislative action, to the IDVA.

## **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends a general policy of bestowing LEA status upon those public charter schools operating under the supervision of the Charter Commission, and leaving public charter schools operating under the supervision of a local school board within that local school board's LEA. Since this action is consistent with legislative intent, staff recommends that the Board take action to designate the Idaho Virtual academy as a Local Education Agency. Additionally, to meet the expectation of the legislature with respect to the immediate funding needs of IDVA, staff recommends that upon acceptance of the IDVA charter by the

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Commission, the LEA status of IDVA relate back to April 2, 2004, the effective date of the 2004 Legislature's funding legislation.

Staff also recommends that in the interim period, until the commission is established, that the Board delegate the authority to designate LEA status to the Executive Director of the Board.

**BOARD ACTION**

A motion to approve that Idaho Virtual Academy be designated as a Local Education Agency in the Idaho Public School system effective as of April 2, 2004.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

A motion that authority to designate public charter schools as LEAs be delegated to the Executive Director of the Board.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY**

**33-5203. AUTHORIZATION -- LIMITATIONS.**

- (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.
- (2) The number of charter schools which may be approved shall be limited in number in accordance with the following:
  - (a) Not more than six (6) newly-chartered public schools may be approved for any one (1) school year, and
  - (b) Not more than one (1) newly-chartered public school may be granted for any one (1) school district for a school year, and
  - (c) No whole school district may be converted to a charter district or any configuration, which includes all schools as public charter schools.
- (3) A public charter school may be formed either by creating a new public charter school, or by converting an existing traditional public school to public charter status school. If a public charter school is proposed which incorporates area within two (2) or more school districts, the charter petition shall be submitted to the board of trustees of the school district in which the primary attendance area of the proposed public charter school lies.
- (4) No charter shall be granted under this chapter:
  - (a) Which provides for the conversion of any existing private or parochial school to a public charter school.
  - (b) To a for-profit entity or any school which is operated by a for-profit entity, provided however, nothing herein shall prevent the board of directors of a public charter school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.
  - (c) By the board of trustees of a school district if the public charter school's physical location is outside the boundaries of the authorizing school district.
- (5) A public virtual school charter may be granted by the public charter school commission.
- (6) The state board of education shall adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.
- (7) A public charter school chartered by the public charter school commission is hereby designated as a local education agency (LEA) as that term is defined in 34 CFR 300.18.

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**REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY**

**34 CFR 300.18** --Local educational agency

**34 CFR 300.18(a)** -- As used in this part, the term local educational agency means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

**34 CFR 300.18(b)** -- The term includes—

**34 CFR 300.18(b)(1)** -- An educational service agency, as defined in Sec. 300.10;

**34 CFR 300.18(b)(2)** -- Any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under State law; and

**34 CFR 300.18(b)(3)** -- An elementary or secondary school funded by the Bureau of Indian Affairs, and not subject to the jurisdiction of any SEA other than the Bureau of Indian Affairs, but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under this Act with the smallest student population.

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Included is a copy of a letter from Anderson, Julian & Hull LLP, which requests LEA Status Designation for IDVA. To obtain a copy of this letter, please contact Patty Sanchez at 332-1562 or [psanchez@osbe.state.id.us](mailto:psanchez@osbe.state.id.us).

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**From:** "Scott Rogers" <srogers@mail.d111.k12.id.us>  
**To:** <rthompso@osbe.state.id.us>  
**Date:** 5/17/2004 10:07:02 AM  
**Subject:** IDVA- 2nd Try

Dear Dr. Thompson,

This e-mail is to confirm our telephone conversation that Butte County Joint School District #111 supports the L.E.A. status and adequate funding for the IDVA. If you need further information, please do not hesitate to contact me.

Best regards, Scott.

Scott A. Rogers, Ed.S.  
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