

**ARTEC RPT Charter School Renewal Petition**

**Region IV, State of Idaho**

**9th-12th Grade Levels**

**Minidoka County School District #331 – Chartering Entity**

**ARTE, Inc. Board of Directors**

**College of Southern Idaho**

**July 20, 2005 Application Sent for Review to SDE**

**Revised and Approved by Chartering Entity, Minidoka School District  
#331 October 26, 2005**

**Revised and Submitted for Renewal January 31, 2017**

# ARTEC RPT CHARTER SCHOOL RENEWAL PETITION

## Part I – Elector Petition Forms

See attached Appendix A

## Part II – Articles of Incorporation and Bylaws

See attached Appendices B & C

## Part III – Educational Program/Learning

The ARTEC RPT Charter School will provide state of the art career technical education to ARTEC RPT Charter School Member District students by:

- Providing the academy model of career technical education integrating high-end technical programs with selected academic disciplines
- Delivering approved high end career technical programs
- Providing qualified career technical teachers
- Providing instruction through a combination of direct instruction at designated sites, and online instruction
- Sharing charter school career technical students from Region IV by using a system of host and sending districts
- Assuring that all students have a career plan imbedded within and consistent with the rest of the four year high school plan
- Providing all students with trained career mentors when possible, who will provide career and character building guidance and direction on a regular on-going basis
- Providing ARTEC districts with support and staff development necessary to implement the academy concept to integrate career technical education with academics

The ARTEC RPT Charter School will provide state of the art career technical education to secondary home school students by:

- Providing ready access to high quality career technical education without the need to enroll in a public school other than the ARTEC RPT Charter School

The ARTEC RPT Charter School will provide state of the art career technical education to secondary home school students by:

- Providing secondary private school students in the ARTEC RPT Charter School service area with access to ARTEC RPT Charter School career technical programs with the same services as those available to ARTEC RPT Charter School member school students

The ARTEC RPT Charter School will provide high end career technical program assistance to ARTEC RPT Charter School member high schools regardless of whether a given high school serves as a host or sending site for career technical instruction. A primary goal of the ARTEC RPT Charter School is to establish at least one high end career technical program in every member high school. The larger ARTEC RPT Charter School host high schools with an ADA greater than 400 students must agree to provide significant career technical program assistance to small high schools with less than 400 students. This assistance may consist of, but

is not limited to the following:

- Sharing career technical staff development activities offered by the larger schools
- Facilitating collaboration of smaller high school career technical and academy teachers with the larger high school's teachers. This particularly applies to online career technical programs offered by a small high school when a larger high school can provide technical assistance to the small high school teacher or aide.
- Sending staff members from the larger school to the smaller high schools to explain career technical course offerings and transportation arrangements (This will be accomplished in a manner that minimizes or eliminates the need for substitute teachers.)
- Obtaining support from the local Chamber of Commerce or other businesses for career technical programs in small high schools
- Working with the Magic Valley Cooperative School Service Agency to optimize career technical HB510 (or Career Technical School) programs to avoid unnecessary duplication of services.

#### **Part IV – Goals and Thoroughness Standards**

To meet the state educational thoroughness standards as stated below, the ARTEC RPT Charter School will insure that:

- A safe environment conducive to learning is provided
  - Criminal background checks will be done on all employees
  - Regular fire and safety inspections will be done by the host high school
  - Zero tolerance policies will be used to remove students who are a threat to others
  - Crisis plans will be developed once the school is operational
- Educators are empowered to maintain classroom discipline
  - Teachers will be empowered to hold students to a high-level discipline code as outlined by host district's discipline policies
  - Procedures to suspension, expulsion, and re-enrollment of students will be the same as outlined in the host district's policy manual
- The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work will be emphasized
  - Character education and the importance of a strong work ethic will be emphasized and integrated into all areas of the educational program
  - Career mentors will be used to help develop character and those work ethics found in the SCANS program as supported by business
- The skills necessary to communicate effectively are taught
  - Communication skills including technical reading and writing, verbal and non-verbal skills and listening skills will be an integrated part of all technical classes
- A basic curriculum necessary to enable students to enter academic or career technical post-secondary programs will be provided
  - A strong core of academic classes integrated with technical classes will allow student to graduate with the knowledge and skills to be successful when entering:
    - A four-year academic program

- A technical program at a community college or a technical school
  - The workforce with the necessary technical skills and/or industry certificates to be successful
- The students will be introduced to current technology
    - Students will have exposure to and training in current technology as it relates to their chosen career field
  - The importance of students acquiring the skills to enable them to be responsible citizens of their home, schools, and communities will be emphasized
    - Participation in the relevant student organization will be a part of the students involvement in the program
    - Students will be involved on a one-to-one basis with a mentor from the business community wherever possible.

The goals of the ARTEC RPT Charter School will:

- Meet the Idaho Division of Career-Technical Education Standards for each qualifying program offered
- Allow all participating students to enter:
  - A post-secondary institution with those academic and technical skills necessary for successful completion in a chosen program
  - The workforce with those technical and SCANS Skills needed for successful employment in the chosen technical field
- Provide a comprehensive secondary education with an emphasis upon career technical education for home school, homebound, and/or private school students

Skills and Knowledge: Programs in the ARTEC RPT Charter School shall contain one or more of the following elements:

**Criteria I:** All Technical Programs shall contain the following elements:

- "High end" career technical classes as defined by the Division of Career Technical Education
- Measurable industry standards to include industry-based certification and/or a competency-based (maybe should be TSA-technical skill assessment) evaluation system as defined by the Division of career technical Education
- Sequence of instruction following a set of industry competencies
- Reinforcement of basic and academic skills
- Responsiveness to student needs as well as to labor market needs
- One dual credit and/or Technical Competency Credit
- Access and equity for all students and school personnel
- Input from an appropriately qualified business/industry technical advisory committee
- Instructional delivery methods that use current teaching and industry technologies
- Instructors with experience in industry and holding industry-based credentials and/or career technical certification or a standard teaching certificate with appropriate endorsement(s).
- Student organizations promoting the development of leadership, interpersonal and other cross-functional workplace skills
- Appropriate instructional setting to include student-teacher ratios
  - Number of lab work stations



- o Number of quality work-experience sites
- o Safety
- o Work-experience agreement
- o Facility maintenance

**Criteria II:** All technical programs shall include junior/senior level classes incorporating a partnership with one or more academic subject(s) (English, math, science, or social studies) in at least one of the following ways:

- Academic and technical teachers will work together on at least one cross-curricular project per school year
- To the maximum extent possible, students will be scheduled into at least one technical class and one academic class as a student cohort (i.e., the same students will take the two subjects the same periods and the two instructors will work together as team to infuse academics into the technical program utilizing the students' interest in a technical subject to help them understand the rationale of studying an academic subject).
- To the maximum extent possible, students will spend one-half day in a cooperative program which includes instruction in a technical subject, English, and Social Studies or a technical subject and two other academic subjects wherein the three identified teachers will work together as a team in order to infuse academics into real-life learning situations in the technical program.

The outcome goals of these strategies will be students who:

- Have mastered the basic competencies as identified by the Idaho Division of Career Technical Education's Program areas for each technical subject area (as found on the IDPTE website - [cte.idaho.gov](http://cte.idaho.gov) under a specific program area).
- Have completed a sequence of classes (not less than four semesters or six trimesters) which lead to a Capstone experience as a senior in one of the above-identified program areas.
- Have participated in a relevant paid or unpaid internship with an area business.
- Are prepared to take at least one industry certificate examination in the program area studied where available (i.e., Certified Nursing Assistant, basic NATEF certification, CCNA, A+, Net+).
- Have participated in at least two cross-curricular projects (projects that require that a technical teacher and at least one academic teacher work together on the project) or have participated in a class which is team-taught by an academic teacher and a technical teacher in which real-life situations become the norm.
- Have earned at least two credit hours at the College of Southern Idaho in the program area under the dual credit or Technical Competency Credit programs.

## **Part V – Measurable Student Educational Standards**

Students in the ARTEC RPT Charter School will:

- Support Division of Career-Technical Education program standards
- Pass Division of Career-Technical Education approved End of Course assessments (when available) as a goal
- Pass end of course assessments for academic classes.
- Meet graduation requirements for ISAT scores (or required state testing)
- Meet program requirements for portfolio as approved by the Division of Career-Technical Education

- Complete a Senior Project preferable in the technical field study
- Participate in all statewide assessment programs
- Meet graduation standards of the State Board of Education

#### **Part VI – Measurement of Student Progress**

Student progress will be measured in the following ways:

- Students will be expected to meet the minimum passing score as provided in the end of course tests and/or industry certification test(s).
- Students will be expected to meet the minimum passing scores as set by the State Department of Education and/or State Board of Education.
- Students will be expected to receive at least a “C” or the minimum passing grade in all subjects.

#### **Part VII – Standardized Tests**

Charter School students will be required to participate in all required state and federal testing programs according to the state and the chartering district’s requirements. ARTEC RPT Charter School students will be tested with the same standardized tests as other Idaho public school students.

#### **Part VIII – Accreditation**

The ARTEC RPT Charter School will be state accredited according to Idaho Code Section 33-119 and to the State Board of Education state accreditation rules.

#### **Part IX – Governance Structure**

The ARTEC RPT Charter School Board of Directors will include board members who are business persons from the area chambers of commerce, the College of Southern Idaho representatives, ARTEC RPTCS School District representatives, and at least one representative of the Minidoka County School District.

The ARTEC RPT Charter Board of Directors is the entity legally accountable for the operation of the ARTEC RPT Charter School. The Board of Directors will employ a director/principal to be in charge of daily operations. The director/principal will report directly to the Board of Directors and will have the responsibilities and duties normally associated with a principal and chief school administrator.

- All policies shall be approved by the Charter School Board of Directors
- Day to day operations and school wide administration will be approved by the charter school director/principal.
- The ARTEC RPT Charter School will have access to Minidoka County School District legal counsel and to ARTEC RPTCS legal counsel. The only ARTEC RPTCS official authorized to consult with the Minidoka County School district legal counsel is the ARTEC RPTCS director/principal and these consultations must be with the consent of the Minidoka County School District superintendent.
- No child will be denied enrollment based on parental involvement. The role of the parent will be outlined at the time of application and will include suggested participation in a number of activities.

## **Part X – Staff Qualifications**

The instructional staff of the ARTEC RPT Charter School shall be certificated according to laws and rules of the State of Idaho for Career Technical and Academic instructors.

The classified staff shall be hired in accordance with state and federal requirements.

The ARTEC RPT Charter School director/principal will have expertise and experience as a teacher, principal, and superintendent and extensive experience in budgeting and other financial affairs.

Staff will meet all state and federal laws, rules, and regulations as they pertain to Idaho public charter schools.

All employees must comply with the Idaho State Board of Education approved professional codes and standards. This includes the Idaho Professional Standards Commission Code of Ethics.

The ARTEC RPT Charter School Board of Directors may enact personnel policies to further clarify staff qualifications.

## **Part XI – Criminal History**

All staff members will be required to submit to a criminal history check and the fingerprint card will be sent to the Office of Certification at the State Department of Education.

## **Part XII – Written Contracts**

Administrators shall be on a written contract in form as approved by the state superintendent of public instruction conditioned upon a valid certification being held by such professional personnel. Teachers shall be employed by their home school district on a written contract in form as approved by the state superintendent of public instruction conditioned upon a valid certification being held by such professional personnel and their services shall be leased by the charter school.

## **Part XIII – Health and Safety**

Health and Safety procedures and policies of participating districts will be adopted by the ARTEC RPTCS Board of Directors and Charter School administration which will ensure the health and safety of students and staff.

The health and safety procedures and policies will include the following:

- Comprehensive school policies providing for an environment conducive to learning that addresses school climate, discipline, violence prevention, substance abuse, suicide prevention, student harassment, contagious or infectious diseases as well as gun-free schools, drug-free school zones, and building safety including emergency drills
- Policies and procedures regarding student behavior clearly communicated and consistently enforced and applied
- A school safety team with representation from the school and community for development, implementation and monitoring of the safe learning environment
- Procedures for the supervision and applicable training of employees to ensure a positive school

- environment
- Collection of data on student behavior referrals, suspensions, and expulsions to be used for developing school improvement strategies
- Student assistance programs to address student needs
- Student access as required by state and federal laws, rules, and regulations to the following school-based programs:
  - Counseling
  - School psychological services
  - Health and school nursing services
  - Physical and/or occupational therapy
- Student access to the following community-based programs:
  - Public health
  - Mental Health
  - Child protective services
  - Vocational rehabilitation
  - Job Services
  - Law enforcement and/or juvenile justice liaison
- Commitment to follow State, federal, and local regulations regarding matters of public health including sanitation, sewage disposal, and a safe water supply
- Provision for adequate space, equipment and safety systems in all areas of the school buildings, grounds, and school related activities

#### **Part XIV-XVII – Admission Procedures/Waiting List/Anticipated Enrollment/Publication**

Admission procedures, waiting lists, anticipated enrollment and publication will be addressed in the following manner:

- Enrollment
  - Enrollment of the ARTEC RPT Charter School shall be approximately 200-FTE students. The ARTEC RPT Charter School Board of Directors will establish an enrollment cap policy as needed.
  - Attendance: At the time of attendance reporting, ARTEC RPTCS personnel will evaluate total period attendance, and ensure that reported attendance is in compliance with the allowed enrollment. Currently all programs allow students daily attendance and make adjustments at the time of reporting attendance.
- Enrollment Deadline
  - The ARTEC RPT Charter School is a career technical school. Many students will be enrolled for the career technical programs and/or academies and will attend other high schools, home schools, or private schools for the remainder of their day. This shared-time schedule is encouraged so that students who lack career technical programs in their home schools can attend the ARTEC RPTCS programs. Some students will be enrolled in ARTEC RPTCS academies for two of three trimesters and thus must be able to enroll throughout the year in the ARTEC RPT Charter School.
- Requests for Admission

- A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend the ARTEC RPT Charter School. In the case of a family with more than one (1) child seeking to attend the ARTEC RPT Charter School, a single request for admission must be submitted on behalf of all siblings. The request for admission must be submitted to, and received by the Charter School on or before the enrollment deadline as in the section above. The request for admission shall contain the name, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then a lottery shall be utilized to determine which prospective students will be admitted to the ARTEC RPT Charter School, as described below. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process.

➤ **Admission Preferences**

The ARTEC RPT Charter School will establish admission preferences at such time the enrollment in programs are at a level the local programs cannot deal with enrollment requests.

The selection hierarchy with respect to enrollment preferences could be as follows:

- First, students returning to ARTEC RPT Charter School
- Second, students seeking enrollment in ARTEC RPT Charter School career technical programs who are siblings of pupils already enrolled in the ARTEC RPT Charter School
- Third, chartering district attendance area students seeking enrollment in ARTEC RPT Charter School career technical programs with academy components (integration of academics and career technical programs) based on high-end career technical programs as recognized by the Division of Career Technical Education's career technical schools
- Fourth, students seeking enrollment in ARTEC RPT Charter School career technical programs with academy components (integration of academics and career technical programs) based on high-end career technical programs as recognized by the Division of Career Technical Education's career technical schools
- Fifth, students seeking enrollment in the high school diploma program with an emphasis upon an ARTEC RPT Charter School career technical program.

### **Part XVIII – Annual Audit**

ARTEC RPT Charter School will be audited as part of the Minidoka County School District # 331 annual audits. The ARTEC RPT Charter School will utilize the accounting, purchasing, personnel, and payroll departments of the Minidoka District. A separate account will be established for the charter school, monitored by the Charter School Board of Directors and audited by the Minidoka County School District auditors. Details will be included in a contract signed by both parties.

### **Part XIX - Suspension, Expulsion, and Re-enrollment**

ARTEC RPT Charter School will follow state and federal laws, rules, policies, and regulations regarding suspension, expulsion, and re-enrollment of students. ARTEC RPT Charter School will consult with participating public and private schools in developing relevant charter school policies and the policies will

be adopted by the ARTEC RPT Charter School Board. Until such time as the ARTEC RPT Charter School Board adopts specific policies and procedures for suspension, expulsion, and re-enrollment, the ARTEC RPT Charter School will operate according to the suspension, expulsion, and re-enrollment policies and procedures of the chartering entity, Minidoka County School District.

#### **Part XX – Denial of Attendance**

The ARTEC RPT Charter School Board will use the denial of attendance policies of the chartering entity, the Minidoka County School District unless the need arises to develop its own attendance policy. A progressive disciplinary program will be followed that may finally lead to homebound tutoring or to expulsion. The emphasis will be upon correcting misbehavior without escalating a situation while preserving a positive and safe learning environment for other students and staff. Students who have been expelled from other districts may be admitted to the ARTEC RPT Charter School, but only if the ARTEC Board finds this consistent with maintaining a safe and positive learning environment and if the Board has good reasons to believe that the expelled student will follow the rules and procedures of the ARTEC RPT Charter School. Expelled students who are admitted to the ARTEC RPT Charter School will be enrolled under strict conditions in a written contract between the school, parents, and the students.

#### **Part XXI – Staff Members and Enrollment**

All full-time ARTEC RPT Charter School employees who qualify will be enrolled in PERSI, Federal social security, and Unemployment insurance/worker's compensation insurance.

#### **Part XXII – Attendance Alternative**

Students who reside within the Minidoka County School District and who choose not to attend the ARTEC RPT Charter School may attend the other public schools within the Minidoka County School District or they may attend another public school, private school, or participate in home school instruction.

#### **Part XXIII – Transfer Rights**

ARTEC RPT Charter School employees have the right to transfer to non-charter public schools in the Minidoka County School District subject to the Minidoka County School District board policies and to the Master Contract between Minidoka County School District and the Minidoka County Educational Association. ARTEC RPT Charter school employees who are former employees of districts other than the Minidoka County School District may have the right of transfer to their former districts according to the policies of the local districts and of the local education association.

#### **Part XXIV – Collective Bargaining**

Teacher's rights to collective bargain will be in accordance with the policies of their home districts.

#### **Part XXV – Deleted by 2005 State of Idaho Revision**



## **Part XXVI – Special Education**

Adaptations will be made for special needs students according to the IEP process. The needs of those students will be developed in consultation with special education directors and qualified personnel of the sending districts as necessary to develop appropriate programs for special needs students.

For shared-time students attending another public school part-time, special education services shall remain the responsibility of the home district to include but not be limited to:

- The identification and evaluation of said students
- The Individual Education Plan design which includes the ARTEC RPT Charter School Technical Program
- Identified services with assistance of the Charter School teacher(s)
- The discipline policy for students identified with an IEP
- The special education funds generated for said students

For full-time students attending the ARTEC RPT Charter School, special education students will be treated in accordance with the special education policies and procedures of the Minidoka County School District.

For the period of time that students attend school for ARTEC RPT Charter School contracted career technical instruction at a public high school, the home school district will be responsible for special education services and any excess costs. Students receiving online instruction that is not under contract to another district may receive special education services from the ARTEC RPT Charter School and the excess special education costs will be the responsibility of the home district. Special education services for shared time students shall be the responsibility of the home district as agreed to in a contracted service agreement between the home district and ARTEC RPT Charter School.

The ARTEC RPT Charter School will contract with several Magic Valley area high schools to lease teachers, facilities, equipment, and administrative supervision of ARTEC RPT Charter School personnel and students. The contracts will require each area high school to provide special education instruction, food service, and to provide transportation and all services required under the IEP. The area high school providing these contracted services to ARTEC RPT Charter School students will be required to identify and evaluate special education students according to the Idaho Special Education Manual and according to the policies and procedures of the ARTEC RPT Charter School. The contracts with participating high schools will require that the school districts provide an adequate number of special education teachers and related services personnel. The excess special education costs will be the responsibility of the home district.

## **Part XXVII – Gifted and Talented**

It is expected that some gifted and talented students will be a part of the ARTEC RPT Charter School. Their needs will be handled on an individual basis in consultation with the parents, the student and the teacher(s) through a Personal Education Profile. The plan will include a course outline, student goals and enrichment activities. The resources of the Idaho Digital Learning Academy (IDLA) and dual credit courses offered by the College of Southern Idaho will be utilized when appropriate. These services will be provided primarily by the home district and not by ARTEC RPT Charter School.

## **Part XXVIII - Limited English Proficiency Students**

The Charter School will work with the home district to provide the necessary services for shared-time Limited English Proficiency Students with the federal and/or state funds generated (if any) to remain with the home district.

Full-time Limited English Proficiency Students will be treated in accordance with the LEP policies and procedures of the Minidoka County School District.

Area high schools providing contracted career technical program services to ARTEC RPT Charter School will be required in contracted service agreements to provide the same services, including identification and evaluation, to LEP students as they would provide to their regular high school students. These services must meet federal and state requirements and be at least the same level of service as would be provided under the ARTEC policies and procedures which are the Minidoka policies and procedures until such time as the ARTEC Board chooses to adopt its own LEP policies.

### **Part XXIX - Facilities**

The ARTEC RPT Charter School programs shall be located at the host public school offering the technical program. ARTEC RPT Charter School may construct and/or acquire facilities to provide its own host school facility for career technical and academic instruction.

### **Part XXX - Administrative Services**

Policies relating to administration will be developed by consultation with the member districts and recommended for adoption to the ARTEC RPT Charter School Board of Directors.

The ARTEC director/principal will act as executive director to the ARTEC RPT Charter School Board. The ARTEC RPT Charter School director/principal will be responsible to see that ARTEC RPT Charter School policies and procedures are followed and will be responsible for the day to day operation of the ARTEC RPT Charter School. The ARTEC RPT Charter School director/principal will be responsible to supervise ARTEC RPT Charter School instructional programs and staff. The direct supervision of contracted services instruction and staff will be the responsibility of the school district providing the contracted services, but the ARTEC RPT Charter School director/principal will provide the necessary supervision to assure that contracting entities properly supervise staff providing contracted ARTEC RPT Charter School instruction. The ARTEC RPT Charter School director/principal will directly supervise and evaluate ARTEC RPT Charter School staff. The ARTEC RPT Charter School director/principal will provide annual program evaluations of contracted services programs for the career and professional/technical programs provided by Magic Valley area high schools and by the Idaho Digital Learning Academy.

### **Part XXXI - Potential Civil Liability**

Insurance for potential civil may be obtained through the Minidoka County School District insurance carrier as a part of the Minidoka Liability policy. As the chartering entity, the Minidoka County School District will include the ARTEC RPT Charter School in its liability as well as in its errors and omissions insurance policies. The added cost of these insurance provisions may be part of the ARTEC RPT Charter School contracted service agreement between the Minidoka County School District and the ARTEC RPT Charter School.

The ARTEC RPT Charter School Board members incur essentially the same civil liability as if they were



serving as regular school board members. The potential liability risks include, but are not limited to, student and staff transportation, safety risks, personnel actions, and civil rights issues. When ARTEC RPT Charter School contracts with other school districts to provide career and professional/technical facilities, equipment, supplies, and/or instruction, these districts will be required to provide appropriate liability coverage through their own carriers.

#### **Part XXXII - Documentation of Organization under the Idaho Non-profit Corporation Act**

The ARTEC RPT Charter School shall be organized and managed according to the Idaho Non-profit Corporation Act and the ARTE, Inc. Board of Directors shall serve as the Board of Directors for the ARTEC RPT Charter School. It shall function as a governmental agency according to Section 59-1302 (15) of the Idaho Code. The By-laws of the Advanced Regional Technical Education Coalition (ARTE, Inc.) are attached to this document as Appendix C.

The ARTEC RPT Charter School is clearly a non-profit school. As indicated above, the ARTEC RPT Charter School Board of Directors functions as a non-profit governmental agency according to Section 59-1302 (15) of the Idaho Code ARTE, Inc., the legal name for ARTEC, has been incorporated as a non-profit entity and the documentation is included in Appendix C.

#### **Part XXXIII - Insurance for Liability and Property Loss**

Insurance for liability insurance will be obtained as a rider on the Minidoka County School District insurance carrier.

Property insurance will be the responsibility of the each host district.

#### **Part XXXIV - Dual Enrollment**

All of the advanced junior/senior level technical professional classes provided by the ARTEC RPT Charter School will be approved for Dual Credit or Technical Competency Credit status with the College of Southern Idaho (where possible) according to the provisions found in the Idaho Code, Chapter 2 33-203. Articulated technical-professional classes with the College of Southern Idaho will allow high school students to earn college credit while in high school at a reduced tuition rate. In addition, students may receive high school and/or college credit at other Idaho institutions of higher learning through the services of the Idaho Digital Learning Academy,

#### **Part XXXV -Transportation Services**

Some public school students may be transported to the host sites by sending public school district buses. Student transportation between home districts and ARTEC RPT Charter School sites will be included in the contractual service agreements between ARTEC RPT Charter School area school districts and the ARTEC RPT Charter School.

#### **Part XXXVI - Child Nutrition**

School lunch programs, eligibility for Free and Reduced Price Meals determination and verification reporting and record keeping shall be the responsibility of the student's home~~host~~ district and all funds following the students shall remain the property of the home~~or host~~ district. The ARTEC RPT Charter School Service contracts will require that all federal and state nutritional requirements be met.

#### **Part XXXVII – Internet Safety**

ARTEC RPT Charter School Board of Directors will utilize the Internet Safety Policies of host districts that include the operation of a technology protection measure with respect to any of its computers with Internet access and that protects against access through such computers to visual depictions that enforces the operation of such technology protection measures during any use of such computers by minors; and will have in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are:

- Obscene
- Child pornography
- Harmful to minors

The ARTEC RPT Charter School Board will use the Minidoka Internet Safety Policy until such time as the Board adopts its own policy. Any policy adopted will include the provisions noted above. ARTEC RPT Charter district high school students attending ARTEC RPT Charter School programs provided under contract in various Magic Valley/Wood River Valley high schools will be required to comply with ARTEC RPT Charter School Internet policies and rules as well as those of the contacted high school and/or the Idaho Digital Learning Academy. At the current time and for the foreseeable future, the College of Southern Idaho provides office space, access to computer software, and utilities for the ARTEC RPT Charter office and clerical staff. The College of Southern Idaho is one of the three principle ARTEC RPT Charter partners, the other two being member Idaho school districts and several chambers of commerce. For contracted service programs, the various area high schools under contract will be required in the contracts to provide technology hardware, software, training, maintenance and repair costs.

#### **Budget**

ARTEC RPT Charter School contracts with other districts to provide facilities, equipment, and furnishings. ARTEC RPT Charter School will provide staff development to include technology and career technical training. A yearly general fund and special fund budget is developed and approved yearly in accordance with Idaho Code.

#### **Part XXXVIII – Deleted 2005 Revision by State of Idaho**

#### **Part XXXIX – Termination of Charter**

- Dissolution of the Charter School  
In the first year of operation, the ARTEC RPT Charter School Board will be responsible for developing a policy to deal with the termination of the Charter School. The policy will include

a provision that allows either the ARTEC RPT Charter School Board or the Minidoka County School District Board of Trustees to terminate the charter with formal written notice on or before April 15th of the year preceding the planned termination.

➤ Payment to Creditors

Creditors will be paid from the assets of the ARTEC RPT Charter School. In the event that funds and other assets are insufficient to pay creditors, agreements will be reached with creditors or the Idaho bankruptcy laws will govern the financial outcome. In the event and to the extent that remaining funds and assets exceed existing debt, assets shall be divided among home school districts according to the number of FTE ARTEC RPT Charter School students participating in the ARTEC RPT Charter School during the last year of operation.

➤ Transferring of Student Records

Student records shall be transferred to the home district, the private school or the home school of the student according to parental request.

➤ Disposal of Assets

The ARTEC Board of Directors will be responsible for dissolution, payment of creditors, transfer of student records, and disposal of assets. Disposal of assets will be handled in accordance with "Payment to Creditors" clause above. In the event and to the extent that remaining funds and assets exceed existing debt, assets shall be divided among home school districts according to the number of FTE ARTEC RPT Charter School students participating in the ARTEC RPT Charter School during the last year of operation.

In the event of dissolution of the ARTEC RPT Charter School, all student records will be turned over to the Minidoka County School District and it shall be the responsibility of the Minidoka County School District to maintain these records just as it would maintain student records of other Minidoka County School District students.

## **Appendix A: Board of Directors Roster**

### **ARTEC Regional Professional Technical Charter School**

#### **Board of Directors – January, 2017**

President, Michael Arrington  
Vice President, Cheryle Becker  
Secretary/Treasurer, Marie Sharp

Nadia King, Director  
Dale Layne, Director  
Gaylen Smyer, Director  
Ken Cox, Director  
L. T. Erickson, Director  
Ron Anthony, Director  
Cesar Perez, Director  
Terry Patterson, Director

## Appendix B: Articles of Incorporation

Aug 17 07 01:05p Ag-Science  
AUG-17-2007 FRI 01:08 PM Tom High BSMH

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FHA NO. 12001341400

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1. 02

FILE

### ARTICLES OF INCORPORATION

98 SEP 24 AM 10:17

OF  
SECRETARY OF STATE  
STATE OF IDAHO

### ADVANCED REGIONAL TECHNICAL EDUCATION, INC. (A Nonprofit Corporation)

I, the undersigned, acting as incorporator of a nonprofit corporation under the Idaho Non-Profit Corporation Act, adopt the following Articles of Incorporation for this Nonprofit corporation:

#### ARTICLE I

The name of the corporation is ADVANCED REGIONAL TECHNICAL EDUCATION, INC.

#### ARTICLE II

The period of existence and duration of the life of this nonprofit corporation shall be perpetual.

#### ARTICLE III

The address of the initial registered agent of this nonprofit corporation is 126 Second Avenue North, Twin Falls, Idaho, 83301, and the name of the initial registered agent at such address is Thomas B. High.

#### ARTICLE IV

The purpose of this nonprofit corporation shall include, but not be limited to:

- A. To give practical effect to the intent of the Legislature of the State of Idaho regarding ~~1998~~ <sup>1998</sup> ~~between~~ <sup>between</sup> school districts and/or the Magic Mountain ~~Daycare~~ <sup>Daycare</sup> ~~and~~ <sup>and</sup> ~~five~~ <sup>five</sup>

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Service Agency (CSA) as provided for in Idaho Code §§ 33-315 through 33-318 inclusive, and 67-2326 through 67-2333 inclusive.

- B. To collectively and cooperatively provide educational programs and services which otherwise the districts and/or the Magic Valley Cooperative Service Agency (CSA) would individually be unable to offer, or which can be provided more economically or more efficiently in combination. Programs and services may include but are not limited to: Vocational and/or technical education, adult evening education, post-secondary vocational education, vocational special needs, special education, Limited English Proficiency plans Chapter I and I-M, secondary electives, grant programs, teacher in-service, ancillary services and transportation.
- C. To provide, from time to time, administration of other programs and services that the Board of Trustees has determined could be more effectively or efficiently provided through the Corporation.
- D. To purchase materials, books, supplies and educational facilities for the joint and cooperative use of the Corporation and the districts and/or the Magic Valley Cooperative Service Agency (CSA) comprising the same.
- E. To receive and disburse local, state, and federal funds.

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- F. To study problems of mutual concern and to develop policies and procedures to effectively implement cooperative programs and services.

ARTICLE V

No part of the net earnings of the corporation shall inure to the benefit or be distributable to its members, trustees, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article IV hereof. No substantial part of the activities of this nonprofit corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and this nonprofit corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding the other provisions of these Articles, this nonprofit corporation shall not carry on any activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law) or (b) a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law).

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ARTICLE VI

Upon the dissolution of this nonprofit corporation, the Board of Trustees shall after paying or making the provision for the payment of all the liabilities of this nonprofit corporation, dispose of all the assets of this nonprofit corporation exclusively for the purpose of this nonprofit corporation in such a matter, or to such organization or organizations [e.g. the Magic Valley Cooperative Service Agency (CSA)] organized and operating exclusively for charitable, educational, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Service Code (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Trustees shall determine. Any such assets not so disposed of shall be disposed of by the District Court of Twin Falls County, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VII

Pursuant to Idaho Code § 30-3-17, this nonprofit corporation shall have specific classes of members as set forth in the By-Laws. Each member shall be issued a membership certificate designating his or her class of membership and shall have one (1) vote. The rights and interests of all members shall be set forth in the By-Laws. This corporation shall not have capital stock.

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ARTICLE VIII

Without limiting the general powers granted to the nonprofit corporation by Idaho law, or infringing upon the powers reserved to the Board of Trustees, the corporation shall have the following specific powers:

- A. To administer any gifts, devises or like in accordance with the directions of various donors and testators and within the authority of this corporation.
- B. To receive, when deemed useful, acquire, hold, purchase, dispose of, convey, mortgage and/or lease, and improve real and personal property; to dispose of, sell, lease, assign, transfer, mortgage and/or convey any rights, privileges, franchise, real or personal property of the corporation, other than its franchise of being a corporation, and to purchase, guaranty, take, receive, subscribed for or otherwise acquire, or otherwise dispose of and otherwise deal use in and with, shares or other interest in or obligations of other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or any other government, state, territory, governmental district of municipality or of any instrumentality thereof.
- C. To receive and disburse federal, state and local funds at the same extent as school districts.

- D. To determine the general and special programs to be sponsored by the Corporation.
- E. To determine the proportionate share of all costs of approved special programs for participating members.
- F. To determine the proportionate share of all general expenses or obligations.
- G. To establish a budget for the operation of the Corporation.
- H. To contract with any school district or agency, including specifically the Magic Valley Cooperative Service Agency.
- I. To establish policies for the operation of the Corporation.
- J. To serve as agent for ADVANCED REGIONAL TECHNICAL EDUCATION, INC. in the management and investment of property of any and all kinds heretofore acquired by said ADVANCED REGIONAL TECHNICAL EDUCATION, INC., which the Board of Directors of such corporation shall determine to transfer to the corporation for such management and/or investment.
- K. To receive grants from government or other sources and to disburse such grants for the support of activities.
- L. To make applications for and obtain patents, patent rights, and copyrights, for any inventions or publications and to hold and license patents and copyrights, provided, however, that all income from such patents or copyrights shall be devoted to the purposes of

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The owners (entity members) of ADVANCED REGIONAL TECHNICAL EDUCATION, INC. shall consist of all participating K-12 school districts, the College of Southern Idaho and individual businesses as approved by the Board of Trustees. Business members shall never

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exceed 49% of total membership. However, representation of participating K-12 school districts and member businesses shall be as nearly equal as reasonably possible. Each participating entity member shall appoint one official representative (Corporate Member) for representation purposes to the Advanced Regional Technical Education, Inc. membership.

The Board of Trustees shall not have more than nine board members, elected from the membership. No decrease in the number of trustees shall have the effect of shortening the term of office of any incumbent trustee.

The membership shall elect up to nine board members, four from participating school districts, one from the College of Southern Idaho and four from individual businesses. If the Board is less than nine, participating districts and businesses will have an equal number of board representatives. The College of Southern Idaho will be guaranteed a board seat.

The initial Board of Trustees and their addresses, until their successors are duly elected and qualified, shall be:

- A. Steve Marshal, 145 North Road, Jerome, Idaho 83338;
- B. Armand Eckert, 716-B East 4900 North, Buhl, Idaho 83316;
- C. Mike Glenn, c/o College of Southern Idaho, P.O. Box 1238, Twin Falls, Idaho 83303-1238;

#### **ARTICLE X**

The affairs of the corporation shall be managed by the Board of Trustees. The initial Board of Trustees shall serve until the first meeting of the Board of Trustees at which time By-Laws of the corporation shall be adopted. Successor trustees, except as provided in Article IX above, shall be elected by a majority vote

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of a quorum of the membership. The number, terms, and manner of election of the successor trustees shall be provided in the By-Laws of the corporation subject to these Articles of Incorporation.

- A. Termination of board membership other than expiration of a regular term, resignation, or death, shall be by an expulsion vote of a two-thirds majority of the remaining board members.
- B. Vacancies other than by expiration of the regular term of office, shall be filled or left vacant by an affirmative vote of a majority of a quorum of the Board of Trustees, but not less than two (2) affirmative votes, as soon as possible after such termination of a membership and not later than the next regular meeting of the Board of Trustees. The trustee appointed shall be of the same category (i.e. participating district, CSI or individual business) as the one who resigned.
- C. One half of said Board of Trustees shall constitute a quorum, and a majority of any such quorum at a meeting duly convened shall have the power to act, except as in these Articles otherwise specifically provided. Action of any kind may be taken, without a meeting, by writing, setting forth the action, signed by all of the members. Each member shall be entitled to one (1) vote and shall have the right to vote on all matters.
- D. In managing the affairs of the corporation, the Board of Trustees may delegate to officers and committees, powers as may be provided in the By-Laws.

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STATE OF IDAHO                    )  
                                      ) ss.  
County of Twin Falls            )

The undersigned, a Notary Public for the State of Idaho, does hereby certify that on this 21<sup>st</sup> day of September, 1998, personally appeared before me, CATHERINE HOLSTON who being by me first duly sworn, declared that she is the person who signed the foregoing document as incorporator and that the statements therein contained are true.

IN WITNESS WHEREOF, I have heretofore set my hand and affixed my official seal the day and year in this certificate first above written.

Kendra M. Smith  
NOTARY PUBLIC  
Residing at: Home Tel  
My Commission Expires: 02/05/2003

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## **Appendix C: Bylaws**

# **BYLAWS OF ADVANCED REGIONAL TECHNICAL EDUCATION, INC.**

## **ARTICLE I. GENERAL**

**Section 1. Name.** This Corporation shall be known as ADVANCED REGIONAL TECHNICAL EDUCATION, INC.

**Section 2. Purposes.** The purposes of the Corporation are:

- A. To give practical effect to the intent of the Legislature of the State of Idaho regarding cooperation between school districts and/or Magic Valley Cooperative Service Agency as provided for in Idaho Code 33-315 through 33-318 inclusive, and 67-2326 through 67-2333 inclusive.
- B. To collectively and cooperatively provide educational programs and services which otherwise the districts and/or Magic Valley Cooperative Service Agency would individually be unable to offer, or which can be provided more economically or more efficiently in combination. Programs and services may include but are not limited to: Vocational education, adult evening education, post-secondary vocational education, vocational special needs, special education, Limited English Proficiency plans Chapter I and I-M, secondary electives, grant programs, teach in-service, ancillary services and transportation.
- C. To provide, from time to time, administration of other programs and services that the Board of Directors has determined could be more effectively or efficiently provided through the Corporation.
- D. To purchase materials, books, supplies and educational facilities for the joint and cooperative use of the Corporation and the districts and/or Magic Valley Cooperative Service Agency comprising the same.
- E. To receive and disburse local, state, and federal funds.
- F. To study problems of mutual concern and to develop policies and procedures to effectively implement cooperative programs and services.

**Section 3. Activities.** The Corporation shall be restricted to activities of the nature consistent with the purposes of the Corporation. No part of the net earnings of the Corporation shall inure to the benefit of any private person or organization. No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate in or intervene in or publish or distribute statements in any political campaign on behalf of any

candidate for public office.

## ARTICLE II. OFFICES

**Section 1. Offices.** The principal office of the Corporation is at the College of Southern Idaho, 315 Falls Avenue, PO Box 1238, Twin Falls, ID 83303. Said office may be changed from time to time by the Board of Directors, and the Corporation may have such additional offices as the Board of Directors may designate or as the activities of the Corporation may require from time to time.

**Section 2. Registered Office.** The registered office of the Corporation required by the Idaho Law to be maintained in the State of Idaho shall be identical with the principal office in the State of Idaho.

**Section 3. Registered Agent.** The registered agent of the Corporation required by the Idaho Law shall be an individual resident of the State of Idaho. The registered agent of the Corporation may be changed from time to time by the Board of Directors.

## ARTICLE III. MEMBERSHIP

**Section 1. Classification.** There shall be three types of members (corporation members and/or the membership): participating K-12 school districts, the College of Southern Idaho, and individual business people (business members) as approved by the Board of Directors. Business members shall never exceed 49% of the total membership. However, representation of participating K-12 school districts and business members shall be as nearly equal as reasonably possible. Notwithstanding the above, the Board of Directors may, from time to time and in its discretion, establish additional types of members.

**Section 2. Number.** The Membership shall consist of all participating K-12 school districts, the College of Southern Idaho, and individual business people as approved by the Board of Directors. The latter type of membership shall not exceed 49% of the total membership. However, representation of participating K-12 school districts and business members shall be as nearly equal as reasonably possible. The number of entity members of the Corporation may be increased or decreased from time to time by amendment of the By-Laws.

**Section 3. Eligibility and Election.** Each participating corporation member, if applicable, shall appoint one official representative for representation purposes to the ADVANCED REGIONAL TECHNICAL EDUCATION, Inc. membership.

**Section 4. Privileges.** During membership, all members of the Corporation shall be entitled to the same privileges.

**Section 5. Responsibilities.** The responsibilities of Corporation members shall include the following:

- a) The assimilation of information about ADVANCED REGIONAL TECHNICAL EDUCATION, INC. and education in general, which will be provided to members by publications, visits, meetings, and other means.
- b) The encouragement of interest in, and public understanding and support of, the work of ADVANCED REGIONAL TECHNICAL EDUCATION, INC. and of the Corporation members.
- c) The expression of community concerns regarding needs and the image presented by ADVANCED REGIONAL TECHNICAL EDUCATION, INC.
- d) The service of individual members on committees as invited by ADVANCED REGIONAL TECHNICAL

EDUCATION, INC. and by the Board of Directors, respectively.

- e) The voting on matters expressly submitted or delegated by the Board of Directors to the members for decision.
- f) The carrying out of other responsibilities specifically delegated by the Board of Directors.

**Section 6. Termination of Membership.** Membership shall be terminated by the voluntary withdrawal of any entity member. Voluntary withdrawal shall be effected by a letter of resignation directed to the secretary of the Corporation and the resignation shall be effective upon receipt. Membership may also be terminated by the Board of Directors if any category of entity member fails to abide by any resolutions passed by the Board of Directors. Any entity member may be terminated, with or without cause, by the Board of Directors at any time. Termination by the Board of Directors shall be effected by a letter of termination directed to the entity member from the secretary of the Corporation and shall be effective upon deposit of the letter in the U.S. mail.

**Section 7. Certificates of Membership.** The Board of Directors may, but shall not be required to, provide for the issuance of certificates evidencing membership in the Corporation. Certificates of membership, if issued, shall be in such form as shall be determined by the Board of Directors and shall be signed by the president or vice-president and by the secretary with the corporate seal affixed thereto. A certificate of membership shall not entitle the holder to any dividends or other distributions upon dissolution of the Corporation or otherwise.

**Section 8. Meetings.** Meetings of the members for any purpose or purposes may be called by the Board of Directors or the president.

**Section 9. Place of Meetings.** Meetings of the members shall be held at the principle office of the Corporation or at any other place as may be fixed by the Board of Directors or the president. Meetings shall be held quarterly or more often as designated by the Board of Directors and/or the president.

**Section 10. Annual Meetings.** The annual meeting of the Corporation shall be on the third Wednesday of September, beginning September, 2003, at such place and time as the President of the Corporation may notice.

**Section 11. Notice of Meeting.** Written or printed notice stating the place, date, hour of the meeting, and the purpose or purposes for which the meeting is called, shall be delivered to each member, either personally or by mail, by or at the direction of the president or the secretary not less than 7 nor more than 50 days before the date of the meeting.

**Section 12. Quorum.** One half of the total membership shall constitute a quorum at any meeting. A majority of the votes entitled to be cast by the members present at a meeting shall be necessary for the adoption of any matter voted upon by the members, unless a greater proportion is required by the provisions of the Idaho Nonprofit Corporation Law, the Articles of Incorporation, or as otherwise provided in these Bylaws.

**Section 13. Voting.** Each member shall be entitled to one vote on any matter submitted to a vote of the members at a members' meeting. At all meetings of members, a member may vote by proxy executed in writing by the member or by his duly authorized attorney in fact. Such proxy shall be filed with the secretary of the corporation before or at the time of the meeting.

## **ARTICLE IV. BOARD OF DIRECTORS**



**Section 1. Number.** The Board of Directors shall not have more than eleven board members, elected from the membership. No decrease in the number of directors shall have the effect of shortening the term of office of any incumbent director

**Section 2. Number.** The number of members of the Corporation shall be determined from time to time by the Board of Directors.

**Section 3. Election.** The membership shall elect eleven board members, five from participating school districts including one from the ARTEC Charter School chartering district, two from the College of Southern Idaho who shall be the President of CSI and/or his designees, and four from individual business people. The College of Southern Idaho will be guaranteed a Board seat.

**Section 4. Resignation.** Any director of the Corporation may resign at any time, either by oral tender of resignation at any meeting of the Board of Directors or by giving written notice to the secretary of the Corporation. With respect to any resignation, the resignation shall take effect at the time specified and, unless otherwise specified, acceptance shall not be necessary to make it effective.

**Section 5. Removal.** A Director may be removed, with or without cause, by a vote of two-thirds of the remaining Board of Directors.

**Section 6. Vacancies.** Any vacancy occurring in the Board of Directors shall be filled by the Board of Directors. Vacancies shall be filled or left vacant by an affirmative vote of a majority of a quorum of the Board of Directors, but not less than two (2) affirmative votes, as soon as possible after such termination of a membership and not later than the next regular meeting of the Board of Directors. A director appointed to fill a vacancy occurring in the Board of Directors shall serve for the unexpired term of his or her predecessor in office. The director appointed shall be of the same category (i.e. participating district, College of Southern Idaho or individual business) as the one who resigned.

**Section 7. General Powers.** The business and affairs of the Corporation shall be managed and controlled by its Board of Directors. Subject to the provisions of the Idaho Nonprofit Corporation Law, the Articles of Incorporation, and these Bylaws of this Corporation, the Board of Directors shall do and perform every act and thing whatsoever which it shall deem necessary, expedient, or advisable to carry out the purposes of this Corporation.

**Section 8. Annual Meeting.** The annual meeting of the Board of Directors shall be held at such time as the Board of Directors shall determine for the purpose of electing officers and for the transaction of such other business as may come before the meeting. The annual meeting shall be in the place and at the time specified in the notice of the meeting.

**Section 9. Special Meetings.** Unless otherwise provided by resolution of the Board of Directors, all meetings of the Board of Directors other than the annual meeting shall be special meetings. Special meetings of the Board of Directors may be called by or at the request of the Board of Directors, the president or the secretary, and shall be held at such place and time as the person or persons calling the meeting shall specify.

**Section 10. Notice.** Written notice of the annual meeting shall be given to each director at least twenty (20) days prior thereto. Written or oral notice of special meetings shall be given at least three (3) days prior thereto. Unless otherwise specified in the provisions of the Idaho Nonprofit Corporation Law, the Articles of Incorporation, or these Bylaws, neither the business to be transacted nor the purpose of any meeting of the Board of Directors need be specified in the notice or the waiver of notice of the meeting.

**Section 11. Quorum.** One-half of the number of directors in office shall constitute a quorum for the transaction of business at any meeting of the Board of Trustees, but, if less than one-half is present at the

meeting, a majority of the directors present may adjourn and reconvene the meeting from time to time without further notice.

**Section 12. Manner of Acting.** The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by the provisions of the Idaho Nonprofit Corporation Law, the Articles of Incorporation, or as otherwise provided in these Bylaws. Each member of the Board of Directors, including the director presiding at the meeting of the Board of Directors, shall be entitled to one vote.

**Section 13. Action by Unanimous Written Consent.** Any action which may be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors of the Corporation.

**Section 14. Presumption of Assent.** Directors of the Corporation who are present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken, unless their dissent shall be entered in the minutes of the meeting, or unless they shall file their written dissent to such action with the person acting as secretary of the meeting before the adjournment thereof, or shall forward dissent by registered mail to the secretary of the Corporation immediately after adjournment of the meeting. Such right to dissent shall not apply to directors who voted in favor of the same action.

**Section 15. Compensation and Expenses.** Directors shall serve without salary, but expenses incurred in connection with performance of their official duties may be reimbursed to them upon approval of the Board of Directors.

**Section 16. Term of Office.** The term of office of the Board of Directors elected from participating school districts and business members shall be two years. Seats one and three shall be elected in odd numbered years and seats two and four shall be elected in even numbered years.

## ARTICLE V. OFFICERS

**Section 1. Officers.** The officers of the Corporation shall be a president, a vice-president, and a secretary-treasurer, each of whom shall be elected by the Board of Directors from its membership. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the Board of Directors unless otherwise provided for in these Bylaws. Any two or more offices may be held by the same person except the offices of president and secretary.

**Section 2. Election and Term of Office.** The officers of the Corporation shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors. Each officer shall hold office for one year following the annual meeting or until the officer's successor shall have been duly elected and shall have accepted office or until death or until the officer shall resign or shall have been removed in the manner hereinafter provided.

**Section 3. Removal.** Any officer elected by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby, but removal shall be without prejudice to the contract rights, if any, of the persons removed.

**Section 4. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

**Section 5. President.** The president shall preside at all meetings of the corporation members and the

Board of Directors and, subject to the control of the Board of Directors, the president shall be charged with the general supervision of the business and affairs of the Corporation. The president shall sign, with the secretary or any other proper officer of the Corporation authorized by the Board of Directors, any contract or other instrument which the Board of Directors has authorized to be executed, except in cases where signing and execution shall be specifically delegated by the Board of Directors or these Bylaws to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed. The president shall perform other duties as from time to time may be prescribed by the Board of Directors.

**Section 6. Secretary.** The secretary shall keep the minutes of the meetings of the members and the Board of Directors in one or more books provided for that purpose, see that all notices are duly given in accordance with the provisions of these Bylaws, the Articles of Incorporation or as required by law, be custodian of the Corporation's records and of the seal of the Corporation and see that the seal of the Corporation is affixed to all documents the execution of which on behalf of the Corporation under its seal is duly authorized, and perform all duties incident to the office of secretary and other duties as from time to time may be prescribed by the president, the Board of Directors.

**Section 7. Treasurer.** If required by the Board of Directors, the treasurer shall give a bond for the faithful discharge of his or her duties in such form and with such surety or sureties as the Board of Directors shall determine. The treasurer shall have charge and custody of all Corporation funds and shall keep in books belonging to the Corporation full and accurate accounts of all receipts and disbursements, and shall deposit all money and other valuable effects in the name of the Corporation in such depositories as may be designated for that purpose by the Board of Directors. The treasurer shall disburse the funds of the Corporation as may be ordered by the Board of Directors, taking proper vouchers for the disbursements, and shall render to the president and directors at the meetings of the council or whenever required by them an account of all transactions as treasurer and of the financial condition of the Corporation. The treasurer shall be an ex officio member of any committee of the Corporation empowered to disburse or commit funds of the Corporation.

**Section 8. Additional Officers.** Officers and assistant officers, in addition to those described above, who are elected or appointed by the Board of Directors, shall perform duties as shall be assigned to them by the president, the Board of Directors.

**Section 9. Compensation and Expenses.** Officers shall serve without salary unless they are also employees of the Corporation. Expenses incurred in connection with performance of their official duties may be reimbursed to officers upon approval of the Board of Directors of the executive committee.

## **ARTICLE VI. EMPLOYEES**

**Section 1. Executive Director.** The Board of Directors may appoint an executive director of the Corporation. In serving the Corporation, the executive director shall maintain for the approval of the Board of Directors plans of operation and short-term and long-range objectives for the Corporation, shall counsel and advise the director on all developments relating to the Corporation's objectives, and shall attend generally to the business and affairs of the Corporation.

## **ARTICLE VII. INDEMNIFICATION OF DIRECTORS, OFFICERS AND COMMITTEE MEMBERS**

**Section 1. Generally.** The Corporation will indemnify all persons who are or were directors, officers or members of any committee of the Corporation against any and all liability and reasonable expenses that may be incurred by such persons in connection with any claim, action, suit or proceeding or threatened claim, action, suit or proceeding whether civil, criminal, administrative or investigative by reason of the fact they are or were directors, officers or members of any committee of the Corporation if they acted in good faith and in a manner they reasonably believed to be in or not opposed to the best interest of the Corporation and with respect to any criminal proceedings if they had no reasonable cause to believe their conduct was unlawful. Liability and expenses include reasonable attorneys' fees, judgments, fines, costs and amounts actually paid in settlement. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not of itself, create a presumption that such persons did not act in good faith and in a manner which they reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that their conduct was unlawful. The foregoing right of indemnification shall be in addition to and not exclusive of any and all other rights to which any current or former directors, officers, or committee members may be entitled under any statute, bylaw, agreement, or otherwise.

**Section 2. Actions by or in the Right of the Corporation.** In the case of proceedings brought by or in the name of the Corporation, no indemnification shall be made in respect of any claim, issue or matter as to which such persons shall have been adjudged by a court of law to be liable for negligence or misconduct in the performance of their duty to the Corporation unless and only to the extent that the court in which the action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such persons are fairly and reasonably entitled to indemnity for the expenses which the court shall deem proper.

**Section 3. Method of Indemnification.** Indemnification under this Article shall be reduced by the amount of any other indemnification or reimbursement of such current or former officer, director, or committee member of the liability and expense to which indemnification is claimed. The determination that indemnification is proper shall be made by the majority vote of a quorum consisting of the members of the Board of Directors who were not parties to the proceeding or, in such a quorum is not obtainable or, even if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion or by the majority vote of a quorum of the members of the Corporation. The Board of Directors shall have power to purchase and maintain insurance on behalf of any persons who are or were an officer, director, or committee member, against any liability asserted against them and incurred by them in any such capacity or arising out of their status as such, whether or not the corporation would have the power to indemnify them against the liability under the provisions of Sections 1 and 2 of this Article.

Notwithstanding Article VIII, Section 4 below, expenses incurred for any claim, action, suit or other proceeding described in this Article may be advanced by the Corporation before the final disposition thereof upon the receipt of any undertaking by or on behalf of the recipient to repay the amount, but repayment shall be forgiven if it shall ultimately be determined that the recipient is entitled to indemnification under this Article.

## **ARTICLE VIII. CONTRACTS AND BANKING**

**Section 1. Contracts.** The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute or deliver any instrument in the name of an on behalf of the Corporation, and such authority may be general or confined to specific instances.

**Section 2. Deposits.** All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

**Section 3. Checks.** All checks, drafts or other orders for the payment of money and notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents, of the corporation and in the manner as shall from time to time be determined by resolution of the Board of Directors.

**Section 4. Loans.** No loan may be made by or to this Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution by the Board of Directors. Such authority may be general or confirmed to specific instances; provided, however, no loans shall be made by the Corporation to its directors, officers or members.

## **ARTICLE IX. GIFTS**

### **Section 1. Acceptance of Gifts.**

- a) The Board of Directors may accept on behalf of the Corporation any gift, grant, bequest or devise for the general purpose or for any special purpose of the Corporation.
- b) The power to accept gifts rests with the Board of Directors, except when the gift is for a specific purpose and is less than the amount required to finance the capital facility and equipment cost necessary to carry out the purpose.
- c) Unless the terms expressly provide otherwise, all gifts, grants, bequests and devises shall be deemed irrevocable.

**Section 2. Funds and Accounts.** All property received and accepted by the Corporation shall become part of the Corporation's property and, subject to any limitations, conditions or requirements imposed upon the gift, may be commingled with other assets of the Corporation. However, the property shall or may be placed in a separate and distinct fund or account, or several such funds or accounts, whenever the conditions, limitations or instructions of the gift, grant, bequest or devise require a separate fund or account, and whenever the Board of Directors in its judgment, determines that the property should be placed in a separate and distinct fund or account.

### **Section 3. Administration of Funds and Accounts.**

- a) **Finance and Investment Committee.** There shall be a committee of three or more persons, one of whom must be a director, appointed by the Board of Directors, known as the Finance and Investment Committee, which will have responsibility for the investment, reinvestment and general management of the assets of the funds.
- b) **Investment of Funds.** Subject to the particular terms of any gift, grant, devise or bequest, the Idaho Nonprofit Corporation Law, the Articles of Incorporation and these Bylaws and the control and direction of the Board of Directors, the Finance and Investment Committee shall have power:
  - (i) **General.** To invest and reinvest the principal and income of the funds and accounts in such securities and such property, real or personal, wherever situated, as is deemed advisable and,



in making such investments, shall not be restricted to securities or other property of the character authorized or required by applicable law from time to time for trust investments.

- ii) **Purchase of Property.** To purchase or subscribe for any securities or other property and to retain the same in the funds and accounts.
- iii) **Sale, exchange, conveyance and transfer of property.** To sell, exchange, convey, transfer or otherwise dispose of any securities or other property held in the funds and accounts by private contract or at public auction. No person dealing with the committee shall be bound to see the application of the purchase money or to inquire into the validity, expediency or propriety of any such sale or other disposition.
- iv) **Exercise of owner's rights.** To vote any stocks, bonds or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options and to make any payment incidental thereto; to oppose or to consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities, and to delegate discretionary powers, and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held as part of the funds and accounts.
- v) **Registration of investments.** To cause any securities or other property held as part of the funds and accounts to be registered in the name of the Corporation, or, to the extent permitted by law, in the name of the nominee with or without the addition of the words indicating that the securities are held in a fiduciary capacity, and to hold any securities unregistered or in bearer form. However, the books and records of the committee shall at all times show that all such investments are part of the funds and accounts.
- vi) **Lending.** To lend money on adequate security and reasonable interest.
- vii) **Retention of cash.** To keep such portion of the funds and accounts in cash or cash balances as the committee may from time to time deem to be in the best interest of the funds and accounts, without liability for interest thereon.
- viii) **Retention of property acquired.** To accept and retain for such time as the committee may deem advisable any securities or other property received or acquired by the Corporation hereunder, whether or not such securities or other property would normally be purchased as investments hereunder.

**c) Disbursement of Income and Principal**

- i) **General.** Subject to the particular terms of any gift, grant, devise or bequest, the Idaho Nonprofit Corporation Law, the Articles of Incorporation and these Bylaws, especially the limitations set forth in Article IX, Section 2, and subject to the control and direction of the Board of Directors, the disbursement of the income (or principal if appropriate) from any fund or account shall be made at such times, in such amounts, for such purposes and for the benefit of ADVANCED REGIONAL TECHNICAL EDUCATION, INC. as the committee administering such fund or account, in consultation with the administration of ADVANCED REGIONAL TECHNICAL EDUCATION, INC. may determine.
- ii) **Restriction on distribution of principal.** There shall be the afore-stated restriction on distribution of principal, except when required by the terms of a particular gift, grant, devise or bequest and when specifically approved by the Board of Directors.

- d) **Accounting.** The Finance and Investment Committee shall submit a written account to the Board of Directors annually and at such other times as required by the board, setting forth such date and covering such period as shall from time to time be specified by the Board of Directors.
- e) **General Powers of Committee.** Subject to the particular terms of any gift, grant, devise or bequest, the Idaho Nonprofit Corporation Law, the Articles of Incorporation and these Bylaws, the Finance and Investment Committee shall have the following additional powers:
  - i) **Execution of instruments.** To authorize the execution, acknowledgement and delivery of any and all documents of transfer and conveyance and any and all other instruments that may be necessary.
  - ii) **Employment of agents.** To employ suitable agents and to pay their reasonable expenses and compensation.
  - iii) **Power to do any necessary act.** To do all such acts, initiate all such proceedings and exercise all such rights and privileges, although not specifically mentioned herein, as the committees may deem necessary to properly build, invest, preserve and administer the funds and accounts, and to carry out the purposes of the Corporation.

## **ARTICLE X. ACCOUNTING YEAR AND COMPILATION**

**Section 1. Accounting Year.** The accounting year of the Corporation shall begin on the first day of July and end on the last day of June in each year.

**Section 2. Compilation.** At the end of the accounting year the books of the Corporation shall be closed and either compiled, reviewed or audited by a certified public accountant selected each year by the Board of Directors. The work performed by the certified public accountant shall consist of either (1) a compilation of the books; (2) a review of the books; or (3) an audit of the books. The financial report of the auditor shall be promptly mailed to each Director, and a copy thereof shall be furnished any member upon request.

## **ARTICLE XI. SEAL**

The corporation seal shall be in the form of a circle and shall have inscribed thereon the name of the Corporation and the words "CORPORATE SEAL."

## **ARTICLE XII. AMENDMENT**

The Bylaws of the Corporation may be altered, amended or repealed and new Bylaws adopted by the vote of a majority of the directors in office at any meeting of the Board of Directors.

DATED this \_\_\_\_ day of \_\_\_\_\_, 1998.

