

Dear Senators GOEDDE, Mortimer, Malepeai, and  
Representatives NONINI, Shirley, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the State Board of Education:

IDAPA 08.01.10 - Rules Pertaining To The Idaho College Work Study Program (Board) (Docket  
No. 08-0110-1201);

IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions  
& Proprietary Schools (Board) (Docket No. 08-0111-1201);

IDAPA 08.01.14 - Rules Pertaining To The Idaho Rural Physician Incentive Program (Chapter  
Repeal) (Board) (Docket No. 08-0114-1201);

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity (Board) (Alternate Route to  
Certification Process) (Docket No. 08-0202-1206);

IDAPA 08.02.04 - Rules Pertaining To The Rules Governing Public Charter Schools (Board) (Docket  
No. 08-0204-1201);

IDAPA 08.03.01 - Rules Pertaining To The Rules of the Public Charter School Commission (Board)  
(Docket No. 08-0301-1201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/09/2012. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/10/2012.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

**FROM:** Principal Legislative Research Analyst - Eric Milstead

**DATE:** October 23, 2012

**SUBJECT:** State Board of Education

IDAPA 08.01.10 - Rules Pertaining To The Idaho College Work Study Program (Board) (Docket No. 08-0110-1201)

IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions & Proprietary Schools (Board) (Docket No. 08-0111-1201)

IDAPA 08.01.14 - Rules Pertaining To The Idaho Rural Physician Incentive Program (Chapter Repeal) (Board) (Docket No. 08-0114-1201)

IDAPA 08.02.02 - Rules Pertaining To The Rules Governing Uniformity (Board) (Alternate Route to Certification Process) (Docket No. 08-0202-1206)

IDAPA 08.02.04 - Rules Pertaining To The Rules Governing Public Charter Schools (Board) (Docket No. 08-0204-1201)

IDAPA 08.03.01 - Rules Pertaining To The Rules of the Public Charter School Commission (Board) (Docket No. 08-0301-1201)

1. The state board of education has submitted proposed rulemaking at IDAPA 08.01.10 - Rules Pertaining To The Idaho College Work Study Program (Board) (Docket No. 08-0110-1201). The proposed rule includes new "housekeeping" provisions, such as office information (Rule 005); title and scope (Rule 001); and public records compliance (Rule 006). The proposed rule also includes revisions to language governing the allocation of funds appropriated to the state board for the work study program (Rule 102) and the timing of the distribution of such funds (Rule 105). Provisions requiring that work experience obtained by a student through the work study program have been eliminated (See, Rule 107).

The board states that negotiated rulemaking was not conducted due to time constraints.

It appears that the proposed rule is authorized pursuant to section 33-105, Idaho Code.

2. IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions & Proprietary Schools (Board) (Docket No. 08-0111-1201). The proposed rule reflects primarily three changes to the rule approved last session. These changes include the following: the proposed rule revises the accrediting organizations to refer only to the U.S. department of Education (Rule 100); the proposed rule revises language relating to registration fees so that such fees are based upon a tax year instead of the state Fiscal Year (Rules 200.07 and 300.06); and provides language that requires schools to provide clearer descriptions of the number

of clinical, practicum or internship positions that are available for students where student participation in such positions is required.

The board states that negotiated rulemaking was conducted in this docket.

It appears that the proposed rule is authorized pursuant to section 33-105, Idaho Code.

3. The state board of education has submitted temporary and proposed rulemaking at IDAPA 08.01.14 - Rules Pertaining To The Idaho Rural Physician Incentive Program (Chapter Repeal) (Board) (Docket No. 08-0114-1201). The temporary and proposed rule repeals the chapter of rules relating to the Idaho rural physician incentive program. House Bill 393aa, which was passed during the 2012 legislative session, provided for the repeal of the rural physician incentive fund as well as the repeal of incentive payments from the fund.

The board states that negotiated rulemaking was not conducted because the temporary and proposed rule reflects the provisions of House Bill 393aa.

It appears that the temporary and proposed rule is authorized pursuant to section 33-105, Idaho Code.

4. The state board of education has submitted proposed rulemaking at IDAPA 08.02.02 - Rules Governing Uniformity (Board) (Alternate Route to Certification Process) (Docket No. 08-0202-1206). The proposed rule repeals three sections that had sun-setted six years ago--July 1, 2006 (Rules 039, 040 and 041). The proposed rule also revises provisions governing certification via an alternate route, including paraprofessional certification (See, Rule 042).

The board states that negotiated rulemaking will be conducted.

It appears that the proposed rule is authorized pursuant to section 33-105, Idaho Code.

5. The state board of education has submitted temporary and proposed rulemaking at IDAPA 08.02.04 - Rules Pertaining To The Rules Governing Public Charter Schools (Board) (Docket No. 08-0204-1201). The temporary and proposed rule includes the following revisions: revises the definition of public virtual schools (Rule 010.12); deletes the limit on the number of new public charter schools pursuant to House Bill 481 passed during the 2012 session and revises provisions governing the responsibilities of charter school petitioners and the authorization to begin instruction (Rule 100 and 205.07); revises provisions concerning application deadlines (Rule 201.02); revises provisions governing priority preferences for enrollment and equitable selection process (Rule 203.06, 203.07 and 203.09); revises certain provisions relating to the review of petitions, including a revision to deadlines for substantive review (Rule 205.06); and establishes new provisions governing the failure of an authorized chartering entity to make a good faith effort (Rule 206.04).

The temporary and proposed rule also revises provisions (and deadlines) relating to procedures for reviewing the request for and approval of a charter revision (Rule 302.03 and 302.04); and finally, revisions are made to the rule governing the final decision and order by the board and appeal to such order (Rules 402.06 and 403.08).

The board states that negotiated rulemaking was conducted.

It appears that the temporary and proposed rule is authorized pursuant to sections 33-105 and 67-5226, Idaho Code.

6. The state board of education has submitted temporary and proposed rulemaking at IDAPA 08.03.01 - Rules of the Public Charter School Commission (Board) (Docket No. 08-0301-1201). The temporary and proposed rule makes a number of changes to the current rule, including: revisions to provisions governing the submission of charter school petitions and compliance monitoring (Rules 300 and 301). The temporary and proposed rule also establishes new provisions governing documents that must be submitted by public charter

schools to the commission (Rule 302). Additional revisions are made to provisions regarding the format of charter school petitions (Rule 401).

The board states that negotiated rulemaking was conducted.

It appears that the temporary and proposed rule is authorized pursuant to section 33-105 and 33-5226, Idaho Code.

cc: State Board of Education  
Tracie Bent

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.01.10 - IDAHO COLLEGE WORK STUDY PROGRAM**

**DOCKET NO. 08-0110-1201**

### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-4402, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Proposed changes will remove redundant sections that are contained in Chapter 44, Title 33, Idaho Code, simplify the distribution formula used for allocation of funds to institutions, remove the requirement that the work experience be related to the student's "field of study", and add sections required by the Office of the Administrative Rules Coordinator.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the agency determined it was not feasible due to time constraints associated with the rule promulgation process.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 31st day of August, 2012.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W State St.  
PO Box 83720  
Boise, ID 83720-0037  
(208)332-1582  
fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0110-1201

**000. LEGAL AUTHORITY.**

The following rules are made under authority of Sections 33-105, 33-107, and 33-4402, Idaho Code, to implement the provisions of Chapter 44, Title 33, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 08.01.10, "Idaho College Work Study Program." ( )

**02. Scope.** This rule establishes the administrative procedures necessary to implement a student financial and educational aid program as called for by Chapter 44, Title 33, Idaho Code. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of this rule. ( )

**003. ADMINISTRATIVE APPEALS.**

Unless otherwise provided for in the Rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative hearings and appeals allowed by law shall be governed according to the provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference. ( )

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. ( )

**02. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. ( )

**03. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. ( )

**04. Telephone.** The telephone number of the Board is (208) 334-2270. ( )

**05. Facsimile.** The facsimile number of the Board is (208) 334-2632. ( )

**06. Electronic Address.** The electronic address of the Board of Education at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

This rule is subject to the provisions of the Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

**007. -- 099. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. INSTITUTIONAL PARTICIPATION.**

Eligible postsecondary institutions are defined by statute. In order to participate in the program during a specific fiscal year, eligible institutions shall: (7-1-93)

**01. Annual Application.** Submit to the Office of the State Board of Education an annual application on or before the November 1 preceding the beginning of the fiscal year. (7-1-93)

**02. Enrollment Form.** Submit to the Office of the State Board of Education a properly completed and accurate Student Enrollment Form (PSR-1) for the fall semester ~~preceding~~ **prior to** the **previous** fiscal year. The required PSR-1 shall be submitted ~~on or before the November 1 preceding the beginning of the fiscal year~~ **each February as directed by the Office of the State Board of Education.** (7-1-93)(    )

~~**03. Educational Need.** Eligible postsecondary institutions participating in the educational need, work experience portion of the work study program shall submit to the Office of the State Board of Education, on or before August 1 preceding the beginning of the academic year, requirements for determining educational need, in accordance with Section 33-4405, Idaho Code, and Section 8 of this chapter. (7-1-93)~~

**102. ALLOCATION OF FUNDS.**

Funds appropriated to the Office of the State Board of Education for the Idaho College Work Study Program shall be allocated to participating institutions based on enrollment data submitted by each institution on the Student Enrollment Form (PSR-1) for the fall semester ~~immediately preceding~~ **prior to** the **previous** fiscal year of participation. The allocation shall be based on the ~~number of full-time equivalent (FTE) students multiplied by a residency~~ **appropriation for that fiscal year multiplied by an enrollment** factor. The ~~residency~~ **enrollment** factor shall be calculated by dividing the headcount of ~~full-time~~ **resident degree-seeking** students ~~at the participating institutions~~ **by the total** headcount of ~~full-time~~ **resident degree-seeking** students ~~for all participating institutions.~~ **The adjusted number of FTE students for each institution divided by the adjusted total number of FTE students for all participating institutions shall determine the proportion of the appropriation for the Idaho College Work Study Program to be allocated to each institution.** (7-1-93)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**105. DISTRIBUTION OF FUNDS.**

Funds allocated to participating institutions for a specific fiscal year by the Office of the State Board of Education shall be distributed to the institution ~~no later than August 15 and January 15 of the fiscal year~~ **during the fall term for the academic year.** (7-1-93)(    )

**106. CARRYOVER FUNDS.**

Participating institutions may carry over up to ten percent (10%) of the work study program funds received in one fiscal year to the next fiscal year, provided however, that any carryover funds shall be used exclusively in the work study program. Any unexpended funds in excess of the ten percent (10%) provided herein shall be returned to ~~and~~ **redistributed by** the Office of the State Board of Education ~~to be reallocated to the work study account.~~ (7-1-93)(    )

~~**107. EDUCATIONAL NEED; WORK EXPERIENCE.**~~

~~**01. Purpose.** The purpose of the educational need portion of the work study program is to enable students, without regard to financial need, to gain valuable work and career work experience related to their field of study. (7-1-93)~~

~~**02. Determination of Educational Need.** Requirements for determining educational need shall be formulated by each participating institution, subject to review by the State Board of Education. In reviewing such requirements, the State Board of Education will consider the following minimum guidelines: (7-1-93)~~

~~**a.** The requirement that the work experience be related to the student's "field of study" shall mean the student's declared major or minor or, if a vocational student, a specific vocational program for which the student is seeking a degree, certificate, or license. "Field of study" may also include a specific course or academic or vocational project which complements the student's major, minor, or vocational program, provided the student~~

~~obtains a written statement from an advisor or the professor or instructor of the specific course or project that the work experience proposed is related to, and will complement the major, minor, or vocational programs which the student is pursuing.~~ (7-1-93)

~~b. The financial resources of the student, including but not limited to individual or family income, may not be considered in determining eligibility.~~ (7-1-93)

~~e. In addition to the above, participating institutions which are controlled by sectarian organizations are subject to the following constitutional and statutory restrictions:~~ (7-1-93)

~~i. No student may participate whose course of study is sectarian in nature or who is pursuing an educational program leading to a baccalaureate or other degree in theology or divinity.~~ (7-1-93)

~~ii. Students at such participating institutions may participate only in the off campus work experience portion of the program.~~ (7-1-93)

~~iii. Off campus employment may not be located at, or be performed on behalf of, a church, sectarian or religious organization, religious denomination, sect, or society, whether incorporated or unincorporated.~~ (7-1-93)

**1087. -- 999. (RESERVED)**



# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS**

**DOCKET NO. 08-0111-1201**

### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-2402, and 33-2403, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17th, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Proposed changes would expand the accreditation organizations recognized by the Board of Education, amend the period for establishing the gross Idaho tuition for registration purposes to the tax reporting year rather than the State fiscal year, and require greater transparency in notification to potential students for those courses or courses of study that may require a clinical or internship component.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 4, 2012 Idaho Administrative Bulletin, [Volume 12-7, page 31](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 31st day of August, 2012.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W State St.  
PO Box 83720  
Boise, ID 83720-0037  
(208)332-1582, fax: (208)334-2632

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0111-1201**

**100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.**

For purposes of registration of post-secondary educational institutions, the Board recognizes the regional and national accreditation organizations that are recognized by and in good standing with *both* the United States Department of Education ~~and by the Council for Higher Education Accreditation~~, and which accredit entire colleges or universities, and which do not accredit only courses or courses of study (such as specialized accreditation organizations). Further, the Board may recognize other accreditation organizations on a case-by-case basis. A request for recognition of other accreditation organizations for purposes of registration should be made to the Board's Chief Academic Officer, who will review and evaluate the request with the input and advice of the Board's Committee on Academic Affairs and Programs (CAAP). The Board will make a final decision based on such evaluation and review. (3-29-12)(    )

**101. -- 199. (RESERVED)**

**200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.**

**01. Delegation.** Section 33-2403, Idaho Code, provides that a post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

**02. Registration Requirement.** (4-9-09)

**a.** Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. (3-29-12)

**b.** Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

**c.** Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

**d.** A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. (3-29-12)

**e.** There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. (3-29-12)

**03. Idaho Presence.** (3-29-12)

**a.** An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

**b.** Idaho presence shall include medical/osteopathic education clinical instruction occurring in the

state of Idaho as part of a course of study leading to a degree pursuant to a formal arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction. (3-29-12)

**c.** Idaho presence shall not include: (3-29-12)

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; (3-29-12)

ii. Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; (3-29-12)

iii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

iv. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

**04. Institutions Exempt from Registration.** (4-9-09)

**a.** Idaho public post-secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-9-09)

**b.** Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the date when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (3-29-12)

**c.** Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. (3-29-12)

**05. Institutions That Must Register.** Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (3-29-12)

**06. Application.** A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on the form provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (3-29-10)

**07. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous registration tax reporting year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. ~~(3-29-12)~~( )

**08. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to take approximately

three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

**09. Information Required.** (3-29-12)

**a.** An application must include all the information requested on the application form, as well as the following information: (3-29-12)

i. Copy of most recent accreditation letter showing the period of approval; (4-7-11)

ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)

iii. Enrollment data for current and past two (2) years; (4-9-09)

iv. Copy of annual audited financial statement; (4-9-09)

v. Any additional information that the Board may request. (4-9-09)

**b.** The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.07 of this rule, shall remain applicable. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. REGISTRATION OF PROPRIETARY SCHOOLS.**

**01. Delegation.** Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

**02. Registration Requirement.** (4-9-09)

**a.** Unless exempted by statute or this rule, as provided herein, a proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually and hold a valid certificate of registration issued by the Board. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of such school, or advertise in this state, unless registered. (3-29-10)

**b.** Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issuance of a certificate of registration and continue through June 30 of the next succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. (3-29-12)

**c.** Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

**03. Idaho Presence.** (3-29-12)

**a.** A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, or if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

**b.** Idaho presence shall not include: (3-29-12)

**i.** Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 300.03.a. of this rule; (3-29-12)

**ii.** Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

**iii.** Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

**04. Exemptions from Registration.** The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-9-09)

**a.** An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the Board. (3-29-12)

**b.** An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

**c.** An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student. (4-9-09)

**d.** An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to Title 54, Idaho Code. (4-9-09)

**e.** An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation. (4-9-09)

**f.** An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year. (3-29-12)

**g.** A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-9-09)

**h.** An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the Western Governors University. (3-29-12)

**i.** An individual or entity that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount equal to or less than fifteen (15) percent of the total course or program cost. (3-29-12)

**05. Application.** A proprietary school that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form provided by the Board office. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (3-29-10)

**06. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous registration tax reporting year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (3-29-12)( )

**07. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. A school should expect the Board review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

**08. Information Required.** Such application must include all the information requested on the application form. In addition, a school must attest by signature of the primary official on the application form that it is in compliance with Standards I through V set forth in Section 301 of this rule and must provide verification of compliance with Standards I through V set forth in Section 301 of this rule upon request. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 300.06 of this rule, shall remain applicable. (3-29-12)

**301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.**

The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. (4-9-09)

**01. Standard I - Legal Status and Administrative Structure.** The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. (4-9-09)

**a.** The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval. (4-7-11)

**b.** The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

**c.** Each owner, agent, instructor and/or school official must be appropriately qualified by the trade board (as applicable) to ensure courses are of high quality and the rights of students are protected. (3-29-12)

**d.** Written policies must be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-7-11)

**e.** Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. (4-9-09)

**f.** All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll. Schools offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. The school must provide to each prospective student, newly-enrolled student, and returning student complete and clearly

presented information indicating the school's current completion and job placement rate. (3-29-12)( )

**02. Standard II - Courses or Courses of Study.** Instruction must be the primary focus of the school. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (3-29-12)

**a.** The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study will follow applicable trade board training curriculum standards or be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (3-29-12)

**b.** Written course descriptions must be developed for all courses or courses of study. Written course descriptions must be provided to instructors. Instructors are expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (3-29-12)

**c.** The school must assure that a course or courses of study will be offered with sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. (4-9-09)

**d.** The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information, and the refund policy, must be given to students in writing. (3-29-12)

**03. Standard III - Student Support Services.** The school must have clearly defined written policies that are readily available to students. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (3-29-12)

**a.** The admission of students must be determined through an orderly process established in a written policy using published criteria which must be uniformly applied. Admissions decisions must take into account the capacity of the student to grasp and complete the instructional training program and the ability of the school to handle the unique needs of the students it accepts. (3-29-12)

**b.** There must be a clearly defined policy to re-evaluate students dismissed from the school and, if appropriate, to readmit them. (3-29-12)

**c.** The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, given to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (3-29-12)

**d.** Prior to enrollment, all prospective students must receive the following information in writing: (3-29-12)

i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)

ii. Completion requirements for the courses or courses of study; (4-9-09)

iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)

iv. Cancellation and refund policies; (4-9-09)

v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)

vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)

- vii. A complete list of instructors and their qualifications; (4-9-09)
- viii. A listing of available student services; and (4-9-09)
- e. Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-9-09)
- 04. Standard IV - Faculty/Instructor Qualifications and Compensation.** (3-29-12)
  - a. Instructor qualifications (training and experience) must be recorded and available to students. (3-29-12)
  - b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)
  - c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)
  - d. Commissions may not be used for any portion of the faculty compensation. (4-9-09)
  - e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources.** (4-9-09)
  - a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including classroom and training facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (3-29-12)
  - b. The school must have sufficient instructional resource materials so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements for a comparable teach-out opportunity with another proprietary school or refund one hundred (100) percent of prepaid tuition. (3-29-12)
  - c. School financial/business records and reports must be kept separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. (3-29-12)
  - d. The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. (4-9-09)
  - e. If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)



**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM**

**DOCKET NO. 08-0114-1201 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 16, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105, and Chapter 37 Title 33, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: Changes to Chapter 37, Title 33 during the 2012 legislative session have made this rule obsolete and this section is being repealed in its entirety.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: To come into compliance with amendments made to Chapter 37, Title 33, Idaho Code made during the 2012 legislative session.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is to come into compliance with changes made to statute during the 2012 legislative session.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24th, 2012.

DATED this 31st day of August, 2012.

Tracie Bent, Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W State St., PO Box 83720

Boise, ID 83720-0037  
Phone: (208)332-1582  
Fax: (208)334-2632

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**IDAPA 08.01.14 IS BEING REPEALED IN ITS ENTIRETY**

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1206

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed changes to IDAPA 08.02.02 would repeal three sections of rule that expired July 1, 2006, (039, 040, and 041) and clarify the alternate route to certification process. The process surrounding the attainment of certification through an alternate route is confusing, especially in the area of paraprofessionals to certification. It has proven to be very difficult for a para professional to attain certification within the allotted five (5) years, as specified under the preset definition. Additionally, as a result of increased accountability for federal reporting, it became clear that the Para to Teacher Route was not a true alternate route, but really an incentivized "grow your own" program. The new language will make a legitimate process available for paraprofessionals and clarify the prerequisites, which are the same as those required for a content specialist. This will allow for the separate language for the paraprofessional to certification route subsection to be eliminated as the amended route will work within the language specified under alternate route-content specialist section.

There is also conflicting language in the rule regarding the Computer-Based Alternative Route to Certification. The proposed language will also clear up any question regarding the completion of a two-year mentor program as part of the full certification process.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking will be conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was not published due to timing issues. Negotiated rulemaking will be conducted in conjunction to the proposed rule publication.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24th, 2012.

DATED this 31st day of August, 2012.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W State St.  
PO Box 83720  
Boise, ID 83720-0037  
(208)332-1582, fax: (208)334-2632

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-1206

037. -- ~~038~~**41.** (RESERVED)

~~039. LIMITED APPROVAL ALTERNATIVES (EXPIRES JULY 1, 2006).~~

~~01. Consultant Specialist Certificate. At the request of a school district, the State Department of Education may issue a Consultant Specialist certificate to highly and uniquely qualified persons. The use of the certificate is limited to the applicant's district and is valid for one (1) year. It is intended that use of the Consultant Specialist provision be exceptional and occasional and not used as a regular hiring practice. (3-20-04)~~

~~02. Letters of Authorization (LOA). Letters of Authorization allow Idaho school districts to request emergency certification when a professional position cannot be filled with someone who has the correct certificate. Individuals considered for an LOA must have at least a baccalaureate degree and must enroll in a program to achieve full certification in the area of authorization. A request for a Letter of Authorization shall be sent to the State Department of Education. The request and supporting information will be reviewed by the Professional Standards Commission, with the final recommendation of the Commission submitted by the State Superintendent of Public Instruction for State Board of Education approval. An LOA is valid for one (1) year and may renewed annually upon completion of nine (9) semester credit hours applicable to the standards for full certification in the area of authorization. (3-20-04)~~

~~03. Limited Transitional Letter of Approval. This non-renewable letter of approval is valid for one (1) year only. The purpose of the letter of approval is to allow a teacher with secondary certification (grades 6-12) to teach at the elementary levels (K-8) without additional student teaching, or vice-versa. Other than student teaching, all other requirements for the desired certificate must be met. Upon successful completion of one (1) year of teaching while holding the Limited Transitional Letter of Approval, the educator will be eligible to hold the appropriate elementary or secondary certificate. To be eligible for a Limited Transitional Letter of Approval, the following requirements must be met: (3-20-04)~~

~~a. Must hold a valid Idaho Elementary or Secondary Teaching Certificate. (3-20-04)~~

~~b. Must provide verification of four (4) years of successful classroom teaching while holding the proper state certificate. (3-20-04)~~

~~c. Must have completed all of the requirements for the Standard Elementary Certificate, except student teaching, if the applicant currently holds a Standard Secondary Certificate. If the applicant currently holds a Standard Elementary Certificate, all of the requirements for a Standard Secondary Certificate must have been completed, except student teaching. (3-20-04)~~

~~d. Must provide the State Department of Education with written verification that a mentor teacher holding the same certificate as the one (1) the applicant is seeking will be provided for the applicant by the employing district, or be enrolled in a one (1) year supervised internship experience under the supervision of personnel from a college or university with an approved teacher preparation program. (3-20-04)~~

~~04. **Postsecondary Specialist.** A Postsecondary Specialist Letter of Approval may be granted to teaching faculty of Idaho public postsecondary institutions, who are not otherwise certificated, upon recommendation by the postsecondary institution (dean level or above) to be eligible to teach in the public schools. It is intended that the letter of approval will be used primarily for distance education and "virtual university" programs. The Postsecondary Specialist Letter of Approval is valid for five (5) years and is renewable. (3-20-04)~~

~~040. **MISASSIGNMENTS – GRANDFATHERING (EXPIRES JULY 1, 2006).**~~

~~01. **Certificate.** A person employed by a school district in a position requiring a certificate must hold a valid certificate for the service being rendered. In any situation in which a person not holding a specific endorsement is to provide educational services in a specific area, the employing district must apply to the State Department of Education for misassigned status to place the individual in that assignment for the school year. The district must demonstrate in a written report that it has made a good faith effort to employ properly certificated educators for those duties and that a conscientious effort is being made to remedy each specific problem. Criteria for acceptance of the report includes the following: (3-20-04)~~

~~a. The duties may comprise no more than one half (1/2) of the teacher's full time assignment; (4-1-97)~~

~~b. Teachers who are misassigned must have a minimum of six (6) semester hours of college credit in each subject area in which service is rendered; and (4-1-97)~~

~~c. Teachers who are misassigned must comprise no more than five percent (5%) of the total number of the district's certificated, full-time teachers, or five (5) teachers, whichever is greater. Districts which have secondary schools located more than fifteen (15) miles from another secondary school may misassign up to an additional five (5) teachers upon approval of the State Department of Education. However, in no circumstance will more than five (5) teachers be misassigned in any one building. (3-20-04)~~

~~02. **Effect of Accreditation.** All misassignments will be noted on the accreditation report. Any misassignments not meeting the above criteria may effect accreditation. Funds will be withheld for that portion of the misassigned person's time which exceeds the criteria included in this rule if a waiver has not been approved by the State Board of Education. (4-1-97)~~

~~041. **ALTERNATIVE CERTIFICATION (EXPIRES JULY 1, 2006).**~~

~~The purpose of this program is to provide an alternative for individuals to become certificated secondary teachers in Idaho without following a standard teacher education program. The purpose of this certification is to provide an alternative for individuals with strong subject matter background but limited experience with educational methodology. Qualified applicants will begin contracted teaching earlier and will be admitted to the program using criteria that are different from existing programs but more appropriate for the circumstances. This certification is valid for three (3) years and is non-renewable. To be eligible for alternative certification, the following requirements must be satisfied: (3-20-04)~~

~~01. **Initial Qualifications.** Prior to application: The prospective candidate must possess a baccalaureate (or higher) degree from an accredited college or university with a minimum grade point average of 2.0 on a four point zero (4.0) scale completed at least five (5) years earlier. Additionally, an applicant must hold academic credits equivalent to current major and minor requirements for secondary endorsements; be assured of full-time employment in an Idaho school district; and meet all non academic requirements of the state of Idaho. (3-20-04)~~

~~02. **Teacher Trainee Program.** Alternative certification is valid for two (2) years of teaching. The teacher trainee program must be completed within three (3) calendar years from the date of admission to the program. It authorizes the teacher trainee to teach only the subject(s) listed on the letter of approval and only at the secondary level. (3-20-04)~~

~~a. A teacher trainee will work toward completion of the teacher trainee program through participating colleges and universities, the State Department of Education, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized two year teacher trainee program as~~

~~one of the conditions to receive recommendation for the Standard Secondary Teaching Certificate. A formal teacher trainee plan will be developed by a consortium composed of the mentor teacher, a representative from the school district, a representative of the State Department of Education, and a representative of the participating higher education institution with an approved secondary education program. Any deviation from the formal trainee plan must be approved by the consortium. The consortium will be responsible for the program design, supervision, and evaluation of the training. The teacher trainee program shall include:~~ (3-20-04)

~~i. Prior to entering the classroom, completion of nine (9) semester credit hours of pre-service training from an institution of higher education in educational course work pertinent to the education profession. (3-20-04)~~

~~ii. Prior to completion of the Alternate Route Program, at least one (1) course in each of the following areas must be completed: Philosophical Foundations of Education; Psychological Foundations of Education; Methodology; Reading in the Content Area. (3-20-04)~~

~~iii. Completion of a thirty (30) hour, pre-service orientation presented by the school district prior to a classroom assignment. This orientation shall include district policies, procedures, curriculum, instructional model, community characteristics, and resources. (3-20-04)~~

~~iv. Completion of a four-semester college/university internship. The trainee shall be enrolled in three (3) semester credit hours of internship each semester. (3-20-04)~~

~~v. Completion of a six to nine (6-9) semester credit hour program during the second summer from an institution of higher learning. The pre-service and second summer program of fifteen to eighteen (15-18) semester credit hours in total shall include: philosophical, psychological, and methodological foundations of the profession, and reading in the content area. The consortium will determine the content required for the trainee, which may include both pedagogical and subject area course work. When designing the content necessary for the individual teacher trainee to complete the program, the consortium shall consider previous college credit as documented in official transcripts. Efforts will be directed to provide observation and clinical experiences during the time prior to being assigned to the classroom. (3-20-04)~~

~~b. Assistance by Mentor Teachers: Each teacher trainee must be assisted by and guided throughout the two-year training period by a certificated employee of the district who has been designated as a mentor teacher. Principals must ensure that teacher trainees are provided with direct assistance, which should include close clinical supervision, especially at the beginning of the internship. (3-20-04)~~

~~c. Performance Evaluations: In order to receive a consortium recommendation for the Standard Secondary Teaching Certificate, the teacher trainee must complete at least two (2) years of successful performance as a teacher under the teacher trainee program. Principals are to provide assistance to teacher trainees regarding the purpose, expectations, and procedures involved in the evaluation process and with whatever guidance may be needed. The principal shall formally evaluate the teacher trainee at least once each semester of the school year. For purposes of suspension or dismissal, teacher trainees are to be treated as non-continuing contract employees. The district may suspend or dismiss teacher trainees in accordance with the procedures as provided in Idaho Code. The Teacher Trainee Letter of Approval may be suspended or revoked if there is failure to satisfactorily and successfully complete the stages of the individualized plan within the specified time frames as established by the consortium; or failure to obtain at least a two point five (2.5) grade point average on a four point zero (4.0) scale in the college credit portion of the program. Also, no individual grade can be lower than a "C"; or any other causes for suspension or revocation as found in Section 33-1208, Idaho Code. (3-20-04)~~

~~d. The teacher trainee, upon successful completion of the teacher trainee program as verified by the consortium, will be eligible to apply for a Standard Secondary Teaching Certificate. The two (2) years of experience as a teacher trainee shall be counted toward continuing contract status as authorized in Section 33-515, Idaho Code. (3-20-04)~~

**042. ALTERNATE ROUTES TO CERTIFICATION ~~(EFFECTIVE JULY 1, 2006).~~**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the

person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. (3-20-04)( )

**043. ALTERNATIVE AUTHORIZATION – TEACHER TO NEW CERTIFICATION** ~~(EFFECTIVE JULY 1, 2006).~~

The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable. (5-8-09)

**01. Initial Qualifications.** Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (5-8-09)

**02. Alternative Route Preparation Program.** (3-20-04)

**a.** Option I - Teacher to New Certification/Endorsement. (5-8-09)

i. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (3-20-04)

ii. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)

iii. Candidate shall meet all requirements for the endorsement/certificate as provided herein. (3-20-04)

**b.** Option II - National Board (endorsement only). By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area. (5-8-09)

**c.** Option III - Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (5-8-09)

**d.** Option IV - Testing and/or Assessment (endorsement only). Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (5-8-09)

i. Pathway 1 - Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1)-year state-approved mentoring component. (5-8-09)

ii. Pathway 2 - Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. (5-8-09)

**044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST** ~~(EFFECTIVE JULY 1, 2006).~~

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. (3-20-04)

**01. Initial Qualifications.** (3-20-04)

**a.** Prior to application, a candidate must hold a Bachelor's degree or credit equivalent per review by the State Department of Education. (3-20-04)( )



- b. The candidate shall meet enrollment qualifications of the alternative route preparation program. (3-20-04)

**02. Alternative Route Preparation Program -- College/University Preparation.** (3-20-04)

a. A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation must include mentoring and a minimum of one (1) classroom observation per month until certified. (3-20-04)

b. Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. (3-20-04)

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)

d. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences. (3-20-04)

e. Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment. (3-20-04)

**045. COMPUTER-BASED ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.**

An individual may acquire interim certification as found in Section 015 of these rules through a computer-based alternative route certification program. (4-6-05)

**01. Approval of the Program.** The State Board of Education must approve any computer-based alternative route to teacher certification. The program must include, at a minimum, the following components: (4-6-05)

a. Preassessment of teaching and content knowledge; (4-6-05)

b. An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)

c. Exams of pedagogy and content knowledge. (4-6-05)

**02. Eligibility.** Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this alternative route to an interim Idaho Teacher Certification. (4-6-05)

**03. Requirements for Completion.** To complete this alternative route, the individual must: (4-6-05)

a. Complete a Board approved program; (4-6-05)

b. Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)

c. Complete the Idaho Department of Education Criminal History Check. (4-6-05)

**04. Interim Certificate.** Upon completion of the computer-based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must ~~start complete~~ the mentoring program during the term of the interim certificate ~~and it may be completed after standard certification is granted unless extenuating circumstances apply as determined by the State Department of Education.~~ All laws and rules governing the fully

certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (4-6-05)(    )

**05. Interim Certificate Not Renewable.** Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (4-6-05)

**06. Types of Certificates and Endorsements.** The computer-based alternative route may be used for initial certification, subsequent certificates, and additional endorsements. (4-11-06)

**046. ~~PARA EDUCATOR TO TEACHER (EFFECTIVE JULY 1, 2006). (RESERVED)~~**  
~~The purpose of this alternative route to certification is to encourage qualified para educators employed in Idaho classrooms to become certificated teachers. The alternative route preparation program must be completed within five (5) calendar years from the date of admission to the program. (3-20-04)~~

~~**01. Initial Qualifications.** Prior to application: the candidate must hold an AA or AS degree or equivalent, meet state para educator standards, and be employed as a para educator. Districts shall identify potential candidate with appropriate dispositions for teaching, and continue to employ candidate as para educators. District/school provides orientation for candidate as deemed appropriate. (4-2-08)~~

~~**02. Alternative Route Preparation Program College University Preparation.** (3-20-04)~~

~~**a.** Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A candidate must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)~~

~~**b.** The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)~~

~~**c.** Candidate shall complete all requirements for certification as provided herein. (3-20-04)~~



**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**

**DOCKET NO. 08-0204-1201**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 16, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-5203 and 33-5210, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Education will be considering changes to IDAPA 08.02.04, "Rules Governing Public Charter Schools," that are intended to improve administrative efficiency and that update the rule to correspond with statutory amendments.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1) (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To come into compliance with amendments made to Chapter 52, Title 33, Idaho Code made during the 2012 legislative session.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2012 Idaho Administrative Bulletin, [Volume 12-7, page 40](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 31st day of August, 2012.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W State St.

PO Box 83720  
Boise, ID 83720-0037  
phone: (208)332-1582  
fax: (208)334-2632

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 08-0204-1201

010. DEFINITIONS.

01. **Authorized Chartering Entity.** Is defined in Section 33-5202A(1), Idaho Code, and means either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission. (4-11-06)

02. **Board.** Means the Idaho State Board of Education. (4-11-06)

03. **Charter.** Is defined in Section 33-5202A(2), Idaho Code, and means the grant of authority approved by the authorized chartering entity to the board of directors of the charter school. (4-11-06)

04. **Commission.** Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. (4-11-06)

05. **Department.** Means the Idaho Department of Education. (4-11-06)

06. **Founder.** Is defined in Section 33-5202A(3), Idaho Code, and means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits. (4-11-06)

07. **Petition.** Is defined in Section 33-5202A(4), Idaho Code, and means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school. (4-11-06)

08. **Petitioners.** Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules. (4-11-06)

09. **Public Charter School.** Is defined in Section 33-5202A(5), Idaho Code, and means a school that is authorized under the Public Charter Schools Act, Title 33, Chapter 52, Idaho Code, to deliver public education in Idaho. (4-11-06)

10. **Public Virtual School.** Is defined in Section 33-5202A(68), Idaho Code, and means a *public charter school that may serve students in more than one (1) school district and through which the primary method for the delivery of instruction to all of its pupils is through virtual distance learning or online technologies* school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management. (4-11-06)(8-16-12)T

11. **School Year.** Means the period beginning on July 1 and ending the next succeeding June 30 of each year. (4-11-06)

011. -- 099. (RESERVED)

100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.

~~01. **Number of New Public Charter Schools Approved for a School Year.** Section 33-5203(2), Idaho Code, limits the number of new public charter schools that may be approved to begin instruction for a school year to not more than six (6), and further limits the number of new public charter schools that may be approved for a single school district for a school year to not more than one (1). The Board shall use the procedure described in Section 100~~

~~of these rules for implementing this limitation on the approval of new public charter schools. (4-11-06)~~

**021. Responsibilities of Petitioners on Approval of Charter.** Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall ~~be responsible for providing~~ the Board with written notice of such approval, ~~and shall promptly submit a copy of the final approved petition to the Board, as required by Section 33-5206(6), Idaho Code. In addition, in the event the charter is revised at any time, as permitted by Section 33-5209(1), Idaho Code, and pursuant to the procedures described in Section 302 of these rules, the governing board of the public charter school shall also be responsible for submitting copies of any such charter revisions to the Board.~~ The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request. ~~(4-11-06)~~(8-16-12)T

~~**03. Chronological Numbering System.** The Board, in accordance with Section 33-5206(6), Idaho Code, shall record the date and the time that it receives each final approved petition for a new public charter school. In addition, the Board shall assign a number to each final approved petition that it receives on a chronological basis, beginning with the numeral "1," and continuing sequentially thereafter. The Board shall maintain a chronological list of approved charters for the purpose of determining which public charter schools shall be authorized to begin educational instruction during a given school year. (4-11-06)~~

**042. Authorization to Begin Educational Instruction.** The ~~six (6)~~ public charter schools ~~that will be~~ authorized to begin educational instruction during a given school year shall be those public charter schools that have ~~been assigned the lowest chronological number by the Board, and which are eligible to begin educational instruction at some time during such school year. A public charter school will be considered "eligible" in accordance with the preceding sentence if the public charter school has~~ received approval from ~~its~~ their authorized chartering entity~~ies~~ to begin educational instruction at some time during such school year. ~~In addition, a public charter school will be considered "eligible" only if no other public charter school located within the same school district has been assigned a lower chronological number, and has been approved to begin educational instruction during such school year. A public charter school that is not authorized to begin educational instruction because it is not "eligible," as described herein, shall maintain its position on the Board's chronological list of approved charters, and shall be under consideration for authorization to begin educational instruction during the next succeeding school year.~~ A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction ~~because it is not "eligible," as described herein,~~ must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year. ~~(4-11-06)~~(8-16-12)T

**053. Notification.** The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin educational instruction during a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter. (4-11-06)

101. -- 199. (RESERVED)

## 200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.

**01. Assistance With Petitions.** The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule. (4-11-06)

**02. Public Charter School Workshops.** The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. (4-11-06)

**03. Petition Sufficiency Reviews.** Prior to submitting a petition to an authorized chartering entity, petitioners shall submit ~~six one (61)~~ one (1) ~~copies~~ of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with statutory requirements. ~~(4-11-06)~~(8-16-12)T

**201. POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY.**

**01. Charter School Policies and Procedures.** An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school, including a public virtual school. Petitioners must comply with the charter school policies and procedures adopted by the authorized chartering entity with which a petition is submitted. Such charter school policies and procedures must comply with Title 33, Chapter 52, Idaho Code, and the rules promulgated by the Board. If there is any conflict between the charter school policies and procedures adopted by an authorized chartering entity and rules promulgated by the Board, then the Board rules shall govern. (4-11-06)

**02. Application Deadline.** Petitioners must submit a new petition to an authorized chartering entity by September 1 in order to be eligible to begin educational instruction for the following school year as required by Section 33-5203, Idaho Code. A petition filed after such date ~~may not be rejected by an authorized chartering entity as untimely, but if the petition is approved and the charter is granted, the proposed public charter school will not be that is approved and the charter granted shall not be~~ eligible to begin operations until the next succeeding school year at the earliest, ~~and only if authorized to begin operations during such school year in accordance with the approval procedure described in Subsection 100.04 of these rules.~~ (4-11-06)(8-16-12)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**203. ADMISSION PROCEDURES.**

**01. Model Admission Procedures.** In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (4-11-06)

**02. Enrollment Opportunities.** Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that such process includes the dissemination of enrollment information, taking into consideration the language demographics of the attendance area, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs. (4-11-06)

**03. Enrollment Deadline.** Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all written requests for admission to attend the public charter school for the next school year must be received. The enrollment deadline cannot be changed once the enrollment information is disseminated as required by Subsection 203.02. (4-11-06)

**04. 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 a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter

school, a single written request for admission must be submitted on behalf of all siblings. The written request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The written request for admission shall contain the name, grade level, 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 an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. 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. Only written requests for admission shall be considered by the public charter school. Written requests for admission received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. If there is an opening in one grade, a sibling, if any, from a late submitted application must go to the bottom of the sibling list. (4-11-06)

**05. Admission Preferences.** A public charter school shall establish an admission preference for students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish admission preferences, as authorized by Section 33-5205(3)(i), Idaho Code, for students returning to the public charter school, for children of founders, and for siblings of students already selected to attend the public charter school. Such admission preferences must be approved by the authorized chartering entity and described in the final approved petition. (4-11-06)

**06. Priority of Preferences for Initial Enrollment.** If a public charter school determines to establish admission preferences for initial enrollment of students in a public charter school, then the selection hierarchy with respect to such preferences shall be as follows: (4-11-06)

**a.** First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school. If so stated in its petition, a new public charter school may include within this priority group the children of full-time employees, subject to the provisions of Section 33-5205(3)(k), Idaho Code. (~~4-11-06~~)(8-16-12)T

**b.** Second, to siblings of pupils already selected by the lottery or other random method. (4-11-06)

**c.** Third, to prospective students residing in the attendance area of the public charter school. (4-11-06)

**d.** Fourth, an equitable selection process, such as by lottery or other random method. (4-11-06)

**07. Priority of Preferences for Subsequent Enrollment Periods.** If a public charter school determines to establish admission preferences for enrollment of students in a public charter school in subsequent school years, then the selection hierarchy with respect to such preferences shall be as follows: (4-11-06)

**a.** First, to pupils returning to the public charter school in the second or any subsequent year of operation. Returning students are automatically enrolled in the appropriate grade and do not need to be selected by a random selection method. (4-11-06)

**b.** Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school. If so stated in its petition, a public charter school may include within this priority group the children of full-time employees and/or children withdrawn from the public charter school within the previous three (3) years as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment, subject to the provisions of Section 33-5205(3)(k)(i-ii), Idaho Code. (~~4-11-06~~)(8-16-12)T

**c.** Third, to siblings of pupils already enrolled in the public charter school. (4-11-06)

**d.** Fourth, to prospective students residing in the attendance area of the public charter school. (4-11-06)

**e.** Fifth, an equitable selection process, such as by lottery or other random method. (4-11-06)



**08. Proposed Attendance List for Lottery.** Each year the public charter school shall create an attendance list containing the names of all prospective students on whose behalf a written request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to each prospective student. The columns shall be designated “A” for returning student preference; “B” for founders preference; “C” for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and “D” for attendance area preference. (4-11-06)

**09. Equitable Selection Process.** If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows: (4-11-06)

**a.** The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, with the order for each grade level selected randomly. The index cards containing the names of the prospective students for the grade level being selected shall be placed into a single container. (4-11-06)

**b.** A neutral, third party shall draw the grade level to be completed first and then draw each index card from the container for that grade level, and such person shall write the selection number on each index card as drawn, beginning with the numeral “1” and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person. (4-11-06)

**c.** If the name of the person selected is a returning student, then the letter “A” shall be written on such index card. If the name of the person selected is the child of a founder, the letter “B” shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter “C” shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter “D” shall be written on such index card. (4-11-06)

**d.** With regard to the sibling preference, if the name of the person selected has a sibling *in a higher grade* who has already been selected, but the person previously selected did not have the letter “C” written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter “C” shall now be written on that person’s index card at this time. ~~(4-11-06)~~(8-16-12)T

**e.** With regard to the founder’s preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter “B.” When the number of index cards marked with the letter “B” equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter “B,” even if such person selected would otherwise be eligible for the founders preference. (4-11-06)

**f.** After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter “A” shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter “B,” based on the chronological order of the selection number written on each index card; followed by all index cards with the letter “C,” based on the chronological order of the selection number written on each index card; followed by all index cards with the letter “D,” based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card. (4-11-06)

**g.** After the index cards have been drawn and sorted for all grade levels, the names shall be transferred by grade level, and in such order as preferences apply, to the final selection list. (4-11-06)

**10. Final Selection List.** The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. (4-11-06)

**11. Notification and Acceptance Process.** (4-11-06)

**a.** With respect to students selected for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send an offer letter to the parent, guardian, or other person who submitted a written request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter by the public charter school. (4-11-06)

**b.** With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the parent, guardian, or other person who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available. (4-11-06)

**c.** If a parent, guardian, or other person receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

**d.** If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

**12. Subsequent School Years.** The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. (4-11-06)

**13. Admission Procedures for Approved Charter Schools.** All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**205. REVIEW OF PETITIONS.**

**01. Initial Review of Petition.** Prior to submitting a petition with an authorized chartering entity, petitioners shall submit ~~six~~ one (6) ~~copies~~ of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. ~~(4-11-06)~~(8-16-12)T

**02. Timeframe for Initial Review.** The Department shall complete the initial review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (4-11-06)

**03. Notification of Findings After Initial Review.** The Department shall notify the petitioners promptly in writing describing the results of the initial review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (4-11-06)

**04. Written Response to Initial Review.** Petitioners shall include a copy of the Department's *initial* ~~final~~ review of the proposed draft petition, and a written response to the findings of such review, with the petition upon submission to an authorized chartering entity. Deficiencies in the petition identified by the Department's initial review shall be addressed in the written response. ~~(4-2-08)~~(8-16-12)T

**05. Substantive Review of Petition.** The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

**06. Timeframe for Substantive Review.** An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code. (4-11-06)

**a.** Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(c)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a public hearing not later than ~~sixty~~ **seventy-five (6075)** days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the public hearing must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district. ~~(4-11-06)~~(8-16-12)T

**b.** An authorized chartering entity must make a decision on whether to approve the petition within ~~sixty~~ **seventy-five (6075)** days after the date of the public hearing on the merits of the petition. ~~(4-11-06)~~(8-16-12)T

**c.** The authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional ~~sixty~~ **seventy-five (6075)** days if it determines the petition is incomplete. ~~(4-11-06)~~(8-16-12)T

**d.** The Commission and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition ~~up to for~~ an additional, ~~ninety (90) days~~ **specified period of time**. ~~(4-11-06)~~(8-16-12)T

**07. If Approved, Charter Is Subject to Limitations on Number of New Charters.** ~~(4-11-06)~~

~~**a.** If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval, and with a copy of the final approved petition, in accordance with the procedure described in Section 100 of these rules. (4-11-06)(8-16-12)T~~

~~**b.** The approval of a charter by an authorized chartering entity does not provide the petitioners with any right to begin educational instruction at the public charter school during a particular school year, or in accordance with the terms and conditions of the charter, as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved to begin educational instruction for a school year, as described in Section 100 of these rules. (4-11-06)~~

**08. If Denied, Petitioners May Appeal.** (4-11-06)

**a.** If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. (4-11-06)

**b.** The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (4-11-06)



206. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.

**01. Referral of Petition by Local Board of Trustees.** A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(c)(iii), Idaho Code. If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt written notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly ~~forward the petition and verification that there are thirty (30) signatures from qualified electors from the attendance area to~~ notify the Commission of the referral decision, including all the reasons for referral.

~~(4-11-06)~~(8-16-12)T

**02. Withdrawal by Charter Petitioners.** Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within ~~sixty~~ seventy-five (60/75) days after the ~~submission of the~~ petition with is received by the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the petition, after a reasonable and good faith effort.

~~(4-11-06)~~(8-16-12)T

**03. Reasonable and Good Faith Effort.** For purposes of Subsection 206.02 of these rules, the parties authorized chartering entity shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the parties authorized chartering entity take at least all of the following actions:

~~(4-11-06)~~(8-16-12)T

**a.** The authorized chartering entity must send written notice to petitioners acknowledging receipt of the charter petition and the date of receipt.

(4-11-06)

**b.** The authorized chartering entity posts public notice of a public hearing for the purpose of considering the petition, and such meeting is scheduled to occur not later than ~~sixty~~ seventy-five (60/75) days after receipt of the petition and verification that there are thirty (30) signatures from qualified electors of the attendance area.

~~(4-11-06)~~(8-16-12)T

**c.** Prior to the date the posted public hearing is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. ~~In the event correspondence is sent to petitioners identifying concerns with the petition, then petitioners must respond in writing to the authorized chartering entity addressing the identified concerns.~~

~~(4-11-06)~~(8-16-12)T

**d.** Either prior to or at the posted public hearing, representatives ~~form from~~ both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition.

~~(4-11-06)~~(8-16-12)T

**04. Failure of Authorized Chartering Entity to Make a Good Faith Effort.** If the authorized chartering entity fails to make the good faith effort described in Subsection 206.03 of these rules, the petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration, provided the petitioner takes at least all of the following actions:

(8-16-12)T

**a.** The petitioners must provide the authorized chartering entity with a petition that is administratively complete and that has been reviewed by the Department in accordance with Subsection 205 of these rules.

(8-16-12)T

**b.** The petitioners must contact the authorized chartering entity, in writing, to ensure awareness of the timelines for petition review and the petitioners' request for a review of the petition and public hearing to consider the merits of the petition.

(8-16-12)T

**c.** In the event correspondence is sent to the petitioners identifying concerns with the petition, then the petitioners must respond in writing to the authorized chartering entity addressing the identified concerns.

(8-16-12)T

**d.** The petitioners must meet with the authorized chartering entity and engage in face-to-face

discussions regarding the petition, if the authorized chartering entity provides an opportunity to do so. (8-16-12)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

**01. Compliance Monitoring.** Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ensuring that the public charter school operates in accordance with all of the terms and conditions of the charter approved by the authorized chartering entity, as reflected in the final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school program approved by the authorized chartering entity meets the terms of the charter, complies with the general education laws of the state, unless specifically directed otherwise in Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-1612, Idaho Code, as provided in Section 33-5210(2), Idaho Code. (4-11-06)

**02. Written Notice of Defect.** If an authorized chartering entity has reason to believe that a public charter school has committed any defect identified in Subsections 33-5209(2)(a) through (e), Idaho Code, then the authorized chartering entity shall provide the public charter school with prompt written notice of such defect, and shall provide the public charter school a reasonable opportunity to cure such defect. (4-11-06)

**03. Corrective Action Plan.** The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. ~~The public charter school shall send a copy of the corrective action plan to the Board.~~ (4-11-06)(8-16-12)T

**04. Failure to Cure.** If a public charter school fails to comply with the terms and conditions of the corrective action plan and to cure the defect at issue within a reasonable time, then the authorized chartering entity may provide notice to the public charter school of its intent to revoke the charter, as permitted by Section 33-5209(3), Idaho Code, and in accordance with Section 303 of these rules. (4-11-06)

**302. CHARTER REVISIONS.**

The governing board of a public charter school may reasonably request that its authorized chartering entity revise its charter, as authorized by Section 33-5209(1), Idaho Code. (4-11-06)

**01. Request for Revision.** The governing board of a public charter school that desires to revise its charter must submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit ~~six~~ one (61) copies of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and the authorized chartering entity promptly in writing describing the results of such review. (4-11-06)(8-16-12)T

**02. Limited Review.** The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter, and shall not have authority to make other charter revisions that are not requested by the public charter school. (4-11-06)

**03. Procedure for Reviewing Request for Charter Revision.** The authorized chartering entity shall have ~~thirty~~ seventy-five (3075) days from the date of receipt of the written notice from the Department in which to issue its decision on the request for charter revision. The authorized chartering entity shall consider the request for charter revision at its next regular meeting following the date of receipt of the written notice from the Department, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by

applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision.

~~(4-11-06)~~(8-16-12)T

**04. Approval of Proposed Charter Revision.** If the authorized chartering entity approves the proposed charter revision, a copy of such revision shall be executed by each of the parties to the charter contract and shall be treated as either a supplement to, or amendment of, the final approved petition, whatever the case may be. ~~The governing board of the public charter school shall be responsible for sending a copy of the charter revision to the Board, as required by Subsection 100.02 of these rules.~~

~~(4-11-06)~~(8-16-12)T

**05. Denial of Proposed Charter Revision.** If the proposed revision is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for charter revision. The decision to deny a request for a charter revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter revision to the Board. The provisions of Section 403 of these rules shall govern the appeal.

(4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**402. APPEAL TO THE BOARD RELATING TO THE DENIAL OF A REQUEST TO FORM A NEW PUBLIC CHARTER SCHOOL.**

The following procedures shall govern an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school.

(4-11-06)

**01. Submission of Appeal.** The petitioners/appellants shall submit a notice of appeal in writing with the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within twenty-one (21) days from the date the authorized chartering entity issues its final decision to deny a petition to form a new public charter school. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Board, two (2) copies of a complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order, must be tabbed and indexed, and must contain, at a minimum, the following documents:

(4-11-06)

**a.** The complete record submitted to the Department, as provided in Subsection 401.01.a. through 401.01.e. of these rules.

(4-11-06)

**b.** A transcript, prepared by a neutral person whose interests are not affiliated with a party to the appeal, of the recorded public hearing conducted by the hearing officer, as described in Subsection 401.06 of these rules.

(4-11-06)

**c.** A copy of the hearing officer's recommendation.

(4-11-06)

**d.** Copies of audio or video recordings, if any, and the minutes of the public hearing conducted by the authorized chartering entity to consider the recommendation of the hearing officer, as described in Subsection 401.08.a. through 401.08.c. of these rules.

(4-11-06)

**e.** Copies of any additional correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition subsequent to the public hearing conducted by the Department.

(4-11-06)

**f.** The final written decision provided by the authorized chartering entity to the petitioners/appellants.

(4-11-06)

**02. Public Hearing.** A public hearing to review the final decision of the authorized chartering entity shall be conducted within a reasonable time from the date that the Board receives the notice of appeal, but not later

than sixty (60) calendar days from such date. The public hearing shall be for the purpose of considering all of the materials in the record that were presented at prior proceedings. However, new evidence, testimony, documents, or materials that were not previously considered at prior hearings on the matter may be accepted or considered, in the sole reasonable discretion of the Board, or of the charter appeal committee or public hearing officer, as described in Subsection 402.04 of this rule. (4-11-06)

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

**05. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or appointed public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming or reversing the decision of the authorized chartering entity, or such other action recommended by the charter appeal committee or public hearing officer, such as remanding the matter back to the authorized chartering entity, or redirecting the petition to another authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

**06. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the petitioner/appellant and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board or by a charter appeal committee, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The final decision and order of the Board shall be sent to both the petitioners/appellants and the authorized chartering entity, and will not be subject to reconsideration. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

**a.** Approve the charter, if the Board determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the request. In the event the Board approves the charter, the charter shall operate under the jurisdiction of the Commission, as provided by Section 33-5207(6), Idaho Code. (4-11-06)

**b.** Remand the petition back to the authorized chartering entity for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. ~~(4-11-06)~~(8-16-12)T

**c.** Redirect the petition for consideration ~~to another authorized chartering entity~~ by the Commission, if the appeal is regarding a denial decision made by the board of trustees of a local school district. ~~(4-11-06)~~(8-16-12)T

**d.** Deny the appeal submitted by the petitioners/appellants. (4-11-06)

**403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER REVOCATION DECISION.**

The following procedures shall govern an appeal relating to the denial of a request to revise a charter or a charter revocation decision. (4-11-06)

**01. Submission of Appeal.** The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to revoke a charter or to deny a charter revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board eleven (11), three (3)-holed punched, copies of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (4-11-06)

**a.** The name, address, and telephone number of the appellant public charter school and the authorized chartering entity that issued the decision being appealed. (4-11-06)

**b.** Copies of all correspondence or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed. (4-11-06)

**c.** Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered or discussed. (4-11-06)

**d.** The written decision provided by the authorized chartering entity to the appellant public charter school. (4-11-06)

**02. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the filing of the notice of appeal. (4-11-06)

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

**05. Prehearing Conference.** The entity conducting the public hearing may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

**07. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested

by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, or reversing the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

**08. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

**a.** Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the revocation of the charter, or the request to revise the charter, or that the authorized chartering authority acted in an arbitrary manner in determining to revoke the charter, or in denying the request to revise the charter. (4-11-06)

**b.** Remand the matter back to the authorized chartering ~~authority~~ entity for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. ~~(4-11-06)~~(8-16-12)T

~~**c.** Redirect the matter for consideration to another authorized chartering entity. (4-11-06)~~

~~**d.** Deny the appeal filed by the appellants. (4-11-06)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. MISCELLANEOUS.**

**01. Definition of LEA.** As used in Section 500 of these rules, the term “local education agency” or “LEA” shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and as such term is further defined in 34 CFR 300.18. (4-11-06)

**02. LEA Designations.** Section 33-5203(7), Idaho Code, provides that the Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district’s LEA. A public charter school may request to be designated as an LEA. Such request shall be in writing and must be submitted to the executive director of the Board. In addition, such request shall state the reasons why the public charter school is requesting LEA status, and must include, at a minimum, the following: (4-11-06)

**a.** Verification that the public charter school is a public virtual school under Idaho law (if applicable). (4-11-06)

**b.** A description of the federal programs for which the public charter school will seek funding, and a detailed discussion of the projected financial impact (positive or negative) to the public charter school if it is



designated an LEA. (4-11-06)

- c. A discussion of how the public charter school will administer the ISAT tests to its students. (4-11-06)

**03. Criteria.** The executive director of the Board shall have the authority to designate a public charter school as an LEA, in accordance with the following criteria: (4-11-06)

a. A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA, ~~except as discussed in Subsection 500.03 of these rules.~~ (4-11-06)(8-16-12)T

~~b. A public virtual school that is chartered by the board of trustees of a school district may be designated as an LEA, if the executive director determines, in his reasonable discretion, that the public virtual school has demonstrated a compelling reason for such designation in its written request and any supporting materials.~~ (4-11-06)

**eb.** A public charter school that is chartered by the Commission must be designated by the executive director as an LEA, but will still be required to submit a written request pursuant to Subsection 500.02 of these rules. (4-11-06)

**04. Referral to the Board.** The executive director may determine to refer any request for LEA designation described in Section 500 of these rules to the Board for consideration, including any request submitted by a public charter school that is not eligible under the criteria contained herein. (4-11-06)

**05. Review.** A public charter school may appeal to the Board a decision made by the executive director of the Board to deny a request to be designated an LEA. (4-11-06)

**06. Timeframe for LEA Request.** A request for LEA status must be received no later than February 1 in order for any such designation to be effective for the following school year. (4-11-06)

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**

**DOCKET NO. 08-0301-1201**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 16, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105 and 33-5212, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Education will be considering changes to IDAPA 08.03.01, "Rules Governing Public Charter Schools," intended to improve administrative efficiency and update the rule to correspond with statutory amendments.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To come into compliance with amendments made to Chapter 52, Title 33, Idaho Code made during the 2012 legislative session.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2012 Idaho Administrative Bulletin, [Volume 12-7, page 41](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24th, 2012.

DATED this 31st day of August, 2012.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W State St.

PO Box 83720  
Boise, ID 83720-0037  
phone: (208)332-1582  
fax: (208)334-2632



THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 08-0301-1201

**300. PETITION -- SUBMISSION.**

**01. Number of Copies.** Petitioners shall submit a petition consisting of an ~~unbound original application package and twelve (12) unbound, three (3) hole punched, copies of the application package to the Commission and an~~ electronic copy of the petition in word format. Appendices to the petition must be submitted as a single document in Adobe format. ~~(4-11-06)~~(8-16-12)T

**02. Case Number.** The Commission will assign a case number to a petition. Any future documents or correspondence submitted to the Commission after original filing must reference the assigned case number. (4-11-06)

**03. Administratively Complete.** If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools." (4-11-06)

**04. Considered Received.** A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (4-11-06)

**05. Supplemental Information.** Submission of supplemental information to the Commission shall be accomplished by filing ~~only the pages being amended~~ a complete, electronic copy of the petition, with the text to be removed stricken and the new language underlined, with the ~~page number of the page to be replaced at the bottom center of the page and the month and year~~ date of revision ~~in the bottom left hand corner of the page~~ noted on the title page. ~~(4-11-06)~~(8-16-12)T

**06. Sufficiency Review.** Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 200.03, and any related documents addressing the deficiencies, if any, at the time the petition is filed with the Commission. (4-11-06)

**07. School District Comments.** If applicable, school districts may provide comments of the school district where the public charter school will be physically located. (4-11-06)

**301. COMPLIANCE MONITORING.**

The Commission shall be responsible for ensuring the public charter school operates in accordance with all of the terms and conditions of the approved charter, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (4-11-06)

**01. Certificate of Occupancy.** Certificate of Occupancy for the public charter school site ~~no later than thirty (30) days prior to the opening of the school;~~ ~~(4-11-06)~~(8-16-12)T

**02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety ~~to be submitted no later than thirty (30) days before the school initially opens and then within seven (7) days of receipt, thereafter;~~ ~~(4-11-06)~~(8-16-12)T

**03. Lease Agreement.** ~~If school structures are being leased, a copy of the lease agreement for the building(s) at which students will be taught;~~ ~~(4-11-06)~~

**04. Fire Marshal Report.** A fire marshal report for the public charter school site; (4-11-06)

- ~~05.~~ **Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (4-11-06)
- ~~06.~~ **Reports.** Copies of the following reports within five (5) business days of said reporting being submitted; (4-11-06)
- ~~a.~~ All reports submitted to the State Department of Education including, but not limited to, the Idaho Basic Education Data System ("IBEDS"); (4-11-06)
- ~~b.~~ All reports submitted to the Board; and (4-11-06)
- ~~c.~~ All reports submitted to federal education agencies including, but not limited to, reports required by the No Child Left Behind Act and the Individuals with Disabilities Education Act. (4-11-06)
- ~~07.~~ **Accreditation Reports.** A copy of the public charter school's accreditation report must be submitted within five (5) business days of receipt. See Section 33-5206(7), Idaho Code; (4-11-06)
- ~~08.~~ **Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (4-11-06)
- 094.** **Insurance Binders.** Copies of insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, unemployment insurance, and health insurance ~~no later than thirty (30) days prior to the opening of school and thereafter, thirty (30) days before the expiration of the insurance policies;~~ (4-11-06)(8-16-12)T
- ~~10.~~ **Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (4-11-06)
- ~~11.~~ **Goals Attainment.** Reporting to be submitted by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program. See Section 33-5206(7), Idaho Code; (4-11-06)
- ~~12.~~ **Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(k), Idaho Code, must be submitted no later than October 15th for the previous school year. See Section 33-5206(7), Idaho Code; (4-11-06)
- ~~1305.~~ **Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (4-11-06)
- ~~14.~~ **Proof of Compliance.** Proof the public charter school board is in compliance with all federal, state, and local rules, regulations, and statutes relating to education, health, safety, and insurance at least thirty (30) days before the first day of operation of the public charter school for each school year; (4-11-06)
- ~~1506.~~ **Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code, ~~no later than thirty (30) days prior to the first day of school;~~ (4-11-06)(8-16-12)T
- ~~1607.~~ **Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school ~~must be submitted no later than thirty (30) days prior to the first day of school;~~ and (4-11-06)(8-16-12)T
- ~~1708.~~ **School Calendar.** ~~Daily schedule, and instructional hours. Ninety (90) days before the commencement of each school year, documentation must be submitted to the Commission detailing~~ The school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (4-11-06)(8-16-12)T

**302. REQUIRED DOCUMENTS PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE COMMISSION MUST SUBMIT TO THE COMMISSION.**

**01. Lease Agreement.** If school structures are leased, a copy of the lease agreement for the building(s) at which students will be taught; (8-16-12)T

**02. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (8-16-12)T

**03. Accreditation Reports.** A copy of the public charter school's accreditation report as required by Section 33-5206(7), Idaho code, must be submitted within five (5) business days of receipt; (8-16-12)T

**04. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (8-16-12)T

**05. Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (8-16-12)T

**06. Goals Attainment.** A report, as required by Section 33-5206(7), Idaho Code, by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program and measurable student educational standards in the approved charter; (8-16-12)T

**07. Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(I), Idaho Code, must be submitted no later than August 15th for the previous school year. (8-16-12)T

**08. Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission. (8-16-12)T

**3023. -- 399. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. PETITION -- FORMAT.**

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)

- 01. Cover Page.** The cover page must include the following information: (4-11-06)
- a.** Name of proposed charter school; (4-11-06)
  - b.** School year petitioning to open the school; (4-11-06)
  - c.** Name of the school district affected by the attendance area; (4-11-06)
  - i.** Where the public charter school building will be physically located; or (4-11-06)
  - ii.** If it is a virtual school and the physical location of the main office; and (4-11-06)
  - d.** Name, address, telephone number, *fax number*, and e-mail address of the petitioner's authorized

representative.

~~(4-11-06)~~(8-16-12)T

**02. Table of Contents.** The second page shall be the beginning of the table of contents. (4-11-06)

**03. Tab 1.** ~~(4-11-06)~~

~~**a.** Copies of articles of incorporation, file stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation. See Section 33-5204(1), Idaho Code. (4-11-06)~~

~~**b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. See Section 33-5205(1)(a), Idaho Code. (4-11-06)~~

~~**e.** Mission and vision statements. (4-11-06)(8-16-12)T~~

**04. Tab 2.** The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. See Section 33-5205(4), Idaho Code. (4-11-06)

**05. Tab 3.** (4-11-06)

**a.** A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. See Section 33-5205(3)(a), Idaho Code. (4-11-06)

**b.** A description of what it means to be an "educated person" in the twenty-first century, and how learning best occurs. See Section 33-5205(3)(a), Idaho Code. (4-11-06)

**c.** The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. See Section 33-5205(3)(q), Idaho Code. (4-11-06)

**d.** The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. See Section 33-5205(3)(r), Idaho Code. (4-11-06)

**06. Tab 4.** (4-11-06)

**a.** The measurable student educational standards the public charter school will use. See Section 33-5205(3)(b), Idaho Code. (4-11-06)

**b.** The method by which student progress in meeting the identified student educational standards is to be measured. See Section 33-5205(3)(c), Idaho Code. (4-11-06)

**c.** A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. See Section 33-5205(3)(d), Idaho Code. (4-11-06)

**d.** A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. See Section 33-5205(3)(e), Idaho Code, and IDAPA 08.02.02, "Rules Governing Uniformity," Section 140. (4-11-06)

**e.** A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (4-11-06)

**07. Tab 5.** (4-11-06)

**a.** A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. See Section 33-5205(3)(f), Idaho Code. (4-11-06)

**b.** A description of the ethical standards to which the governing board of the public charter school will adhere. (8-16-12)T

**c.** A plan for the initial and ongoing training of the governing board of the public charter school. (8-16-12)T

**d.** The process to be followed by the public charter school to ensure parental involvement. See Section 33-5205(3)(f), Idaho Code. (4-11-06)

**ee.** The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. See Section 33-5205(3)(k), Idaho Code. (4-11-06)

**08. Tab 6.** (4-11-06)

**a.** The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. See Section 33-5205(3)(g), Idaho Code. (4-11-06)

**b.** The procedures that the public charter school will follow to ensure the health and safety of students and staff. See Section 33-5205(3)(h), Idaho Code. (4-11-06)

**c.** A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. See Section 33-5205(3)(m), Idaho Code. (4-11-06)

**d.** A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. See Section 33-5205(3)(o), Idaho Code. (4-11-06)

**e.** A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. See Section 33-5205(3)(p), Idaho Code. (4-11-06)

**f.** A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)

**09. Tab 7.** (4-11-06)

**a.** Admission procedures, including provision for over enrollment. See Section 33-5205(3)(j), Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," Section 203. (4-11-06)

**b.** The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and reenrolled. See Section 33-5205(3)(l), Idaho Code. (4-11-06)

**c.** The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (4-11-06)

**d.** The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. See Section 33-5205(3)(n), Idaho Code. (4-11-06)

**e.** The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. See Section 33-5205(3)(s), Idaho Code. (4-11-06)

- f.** A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (4-11-06)
- g.** The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)
- 10. Tab 8.** (4-11-06)
- a.** A detailed business plan including: (4-11-06)
- i.** Business description, (4-11-06)
- ii.** Marketing plan, (4-11-06)
- iii.** Management plan, (4-11-06)
- ~~**iv.** Resumes of the directors of the nonprofit corporation;~~ (4-11-06)
- iv.** The school's financial plan, and (4-11-06)(8-16-12)T
- ~~**vi.** Start-up budget with assumptions form;~~ (4-11-06)
- ~~**vii.** Three (3)-year operating budget form, and~~ (4-11-06)
- ~~**viii.** First year month by month cash flow form.~~ (4-11-06)
- v.** A pre-opening plan and timeline. (8-16-12)T
- ~~**b.** The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format.~~ (4-11-06)
- eb.** A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4-11-06)
- dc.** Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (4-11-06)
- 11. Tab 9.** If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(6), Idaho Code. (4-11-06)
- 12. Tab 10.** (4-11-06)
- a.** A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations, ~~and copies of any contracts or lease agreements.~~ (4-11-06)(8-16-12)T
- b.** Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (4-11-06)
- c.** A plan for termination of the charter by the board of the public charter school. (4-11-06)
- 13. Appendices.** (8-16-12)T
- a.** Copies of articles of incorporation, file-stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation; (8-16-12)T

- b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. See Section 33-5205(1)(a), Idaho Code; (8-16-12)T
- c.** Resumes of the directors of the nonprofit corporation, including references; (8-16-12)T
- d.** Copies of any contracts or lease agreements; (8-16-12)T
- e.** Start-up budget with assumptions form and supporting documentation; (8-16-12)T
- f.** Three (3)-year operating budget form; and (8-16-12)T
- g.** First year month-by-month cash flow form. (8-16-12)T
- h.** The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format and any other such format as may be reasonably requested by the Commission. (8-16-12)T