

Vesrsion 1:29 11_03

**IDAPA 08
TITLE 02
CHAPTER 4**

08.02.4 - RULES GOVERNING PUBLIC CHARTER SCHOOLS

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-107, and 33-5210, Idaho Code, the Idaho State Board of Education shall promulgate rules implementing the provisions of Chapter 52, Title 33, Idaho Code. ~~(3-19-99)~~(11-4-03)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.02.4, "Rules Governing Charter Schools". (3-19-99)

02. Scope. These rules constitute the requirements for the establishment, appeals, and registration of charter schools in Idaho. ~~(3-19-99)~~(11-4-03)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, ~~any~~ the State Board of Education may issue written statements that pertain to the interpretation of the rules of this chapter. These documents are available for public inspection and copying at the Office of the State Board of Education located 650 W. State Street, Room 307, Boise, Idaho 83702.

~~(3-19-99)~~(11-4-03)T

003. ADMINISTRATIVE APPEAL.

Pursuant to Section 33-5207(5)(b), Idaho Code, any appeals pertaining to establishment of a new public charter school shall be on such procedures as set forth in section 400 of these rules. (3-19-99)

01. Considerations On Appeal. The State Board of Education has established a uniform and consistent procedure for evaluation of charter school applications in Section 200 through 206. The procedures will be utilized to determine whether a District appropriately considered a charter request or if a local board acted in an arbitrary manner in denying a charter request. (11-4-03)T

02. District Education. The State Department of Education will provide to each school district a copy of the guidelines for the local board's utilization in consideration of public charter school requests. (11-4-03)T

04. INCORPORATION BY REFERENCE.

There are not documents incorporated by reference into these rules. (11-4-03)T

005. MAILING ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (11-4-03)T

02. Mailing Address. The mailing address for the Idaho State Board of Education is, P.O. Box 83720,

Boise, Idaho 83720-0037.

(11-4-03)T

03. Street Address. The office of the Idaho State Board of Education is located at 650 W. State Street, Boise, Idaho 83720-0037.

(11-4-03)T

006. PUBLIC RECORDS.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 1, Idaho Code.

(11-4-03)T

0057. – 009. (RESERVED).

010. DEFINITIONS.

For purposes of this rule the following definitions will be employed:

01. Additional Revenue. Copies of loan applications, letters from angel investors, notes payable, etc. Documentation that supports revenue in addition to equalization payments must be provided. This may not include projected or anticipated receipt of any grant/stimulus funds.

(11-4-03)T

02. Advisory Review. Opportunity for applicant to meet with individuals with charter school experience to discuss the application being created. The advisor review will be provided by a technical review team assigned by the State Board of Education or its designee.

(11-4-03)T

03. Applicant. The applicant may be a public body, private person, or private organization (Information on all corporate principals should be included when applicant information is requested.)

(11-4-03)T

04. Authorized Agent/Member. Must be a legally authorized individual per Articles of Incorporation or By-laws to contractually bind the organization. This individual would be the primary point-of-contact for communications regarding the application and presentation. Background, Fingerprint and Credit Check – Employment and education history, DPS, FBI, and personal credit history of individual.

(11-4-03)T

05. Charter Contract. A legally binding agreement between the Idaho State Board of Education or a local school district and an approved applicant. A sample contract may be viewed at.

(11-4-03)T

06. Criminal Background Check. Conducted by the Bureau of Criminal Identification, and FBI employs finger printing to check the background of the principal or employee of the school.

(11-4-03)T

07. Corporate Principals. The officers and members of a corporation.

(11-4-03)T

08. Curriculum Sample. The following components constitute a complete curriculum sample:

(11-4-03)T

a. A copy of a summative assessment

(11-4-03)T

b. List all of the strand(s), concept(s), and PO(s) of the Idaho State Standards evaluated in the assessment and how it was to be demonstrated. This may be incorporated into a rubric.

(11-4-03)T

c. An account of what a teacher will do to facilitate the learning up to the time of the summative assessment. This should include a timeline and key points presented.

(11-4-03)T

d. A description and timeline of all activities that the student will complete up to the time of the summative assessment.

(11-4-03)T

09. Elaboration. Extensive detail, creates a clear picture.

(11-4-03)T

10. Equalization Payment. A monthly apportionment distributed to the school based on current year enrollment/attendance. (11-4-03)T

11. Facilitate the Learning. Strategies that align with the focus of the charter. Examples would include modeling, guided practice, etc. (11-4-03)T

12. Founders. Individuals who provide a material contribution to the development and implementation of the public charter school. (11-4-03)T

13. Governing Body. Responsible for the policy decisions of the school. This may or may not be the same as the members of the corporate organization. (11-4-03)T

14. Local Education Agency (LEA). (11-4-03)T

15. Multi-District Public Charter School. A public charter school that delivers instructional programs in more than one district in the state. (11-4-03)T

16. Prospective Applicant Workshop. Scheduled workshops prior to the application deadline where an applicant could receive technical assistance for completion of the charter application. (11-4-03)T

17. Public Charter School. A school that is authorized by a local school district or the State Board of Education, under the provisions of Idaho Code 33-5200 to deliver public education in Idaho. (11-4-03)T

18. Special Emphasis. A particular focus of a school that is reflected throughout the program of instruction, (i.e. an arts school) that integrates the arts throughout the curriculum and is reflected in the curricular sample; a school-to-work program that incorporates information about various occupations, the training to work in those areas, the workplace skills standards, and the academic program of the school, all of which would be reflected in the graduation requirements; a community-based program that is supported with community representation within the organizational structure, assessments related to the community, and a financial plan that supports students within the community. (11-4-03)T

19. State Standards. The State Board of Education adopted the Idaho Academic Standards to be incorporated into curricular and instructional practices. The standards may be downloaded from. (11-4-03)T

20. Summative Assessment. Cumulative and comprehensive activity for a particular theme, unit, chapter, novel, etc. Activity requires student to demonstrate proficiency and documents alignment to the State Standards. This could be a pencil/paper test, a description and criteria for a writing assignment to be included in a portfolio, a description and criteria for a performance project, etc. A scoring rubric or answer key with mastery requirements should be included. (11-4-03)T

21. Unit. A complete course of study for a particular theme, chapter, novel, etc. (11-4-03)T

011. – 099. (RESERVED).

04100. CHARTER SCHOOLS.

The State Board of Education sets forth the following procedures for application, approval, and oversight of public charter schools pursuant to Chapter 52, Title 33, Idaho Code. The State Board of Education hereby designates the Department of Education to implement this chapter as directed by the State Board of Education, unless the implementation is specifically vested in rule, or by law, with another entity. (3-19-99)(11-4-03)T

010. — EDUCATIONAL CLASSIFICATION REGIONS.—

Solely for the purposes of Section 33-5203(2)(c), Idaho Code, the following educational classification regions are hereby established. (3-19-99)

- **01. Region I.** Consisting of the counties of: (3-19-99)
 - **a.** Boundary; (3-19-99)
 - **b.** Bonner; (3-19-99)
 - **c.** Kootenai; (3-19-99)
 - **d.** Benewah; and (3-19-99)
 - **e.** Shoshone. (3-19-99)
- **02. Region II.** Consisting of the counties of: (3-19-99)
 - **a.** Latah; (3-19-99)
 - **b.** Clearwater; (3-19-99)
 - **c.** Nez Perce; (3-19-99)
 - **d.** Lewis; and (3-19-99)
 - **e.** Idaho. (3-19-99)
- **03. Region III.** Consisting of the counties of: (3-19-99)
 - **a.** Adams; (3-19-99)
 - **b.** Valley; (3-19-99)
 - **c.** Washington; (3-19-99)
 - **d.** Payette; (3-19-99)
 - **e.** Gem; (3-19-99)
 - **f.** Boise; (3-19-99)
 - **g.** Canyon; (3-19-99)
 - **h.** Ada; (3-19-99)
 - **i.** Elmore (except the Glens Ferry School District); and (3-19-99)
 - **j.** Owyhee. (3-19-99)

4. **Region IV.** Consisting of the counties of: (3-19-99)
- a. Camas; (3-19-99)
- b. Blaine; (3-19-99)
- c. Gooding; (3-19-99)
- d. Lincoln; (3-19-99)
- e. Jerome; (3-19-99)
- f. Minidoka; (3-19-99)
- g. Twin Falls; (3-19-99)
- h. Cassia; and (3-19-99)
- i. That portion of Elmore County that includes the Glens Ferry School District. (3-19-99)
05. **Region V.** Consisting of the counties of: (3-19-99)
- a. Power; (3-19-99)
- b. Caribou; (3-19-99)
- c. Bannock; (3-19-99)
- d. Oneida; (3-19-99)
- e. Franklin; (3-19-99)
- f. Bear Lake; and (3-19-99)
- g. That part of Bingham county that includes the Snake River and Aberdeen School Districts. (3-19-99)
06. **Region VI.** Consisting of the counties of: (3-19-99)
- a. Lemhi; (3-19-99)
- b. Custer; (3-19-99)
- c. Butte; (3-19-99)
- d. Clark; (3-19-99)
- e. Jefferson; (3-19-99)
- f. Madison; (3-19-99)
- g. Fremont; (3-19-99)

~~h. Teton; (3-19-99)~~

~~i. Bonneville; and (3-19-99)~~

~~j. That portion of Bingham county that includes the Blackfoot, Firth and Shelley School Districts. (3-19-99)~~

011. FILING WITH THE BOARD.

~~For the purposes of Section 33-5206(5), Idaho Code, filing with the State Board of Education shall be on a first in time is first in right basis. (3-19-99)~~

~~01. Filing. Filing with the State Board of Education shall be allowed during regular business hours, 8 am to 5 pm Mountain Time on regular business days, Monday through Friday, excluding all holidays as allowed by law. (3-19-99)~~

~~02. Numbering Of Petitions. All petitions received at the Office of the State Board of Education via hand delivery, fax or mail shall be chronologically numbered, date stamped, and time stamped in the order received. (3-19-99)~~

~~03. Board Office. Petitions shall be filed at the State Board of Education at the following physical address: Idaho State Board of Education 650 W. State Street, Room 307, Boise, Idaho. 83702. (3-19-99)~~

~~4. Transmission To The Department. Following the filing with the Office of the State Board of Education, all petitions shall be forwarded to the State Department of Education for further processing as required. (3-19-99)~~

~~05. Time Of Filing. Beginning in the calendar year 1999 and for each calendar year thereafter petitions shall not be accepted prior to January 1. (3-19-99)~~

012. UNASSIGNED ALLOTMENTS.

~~Within five (5) business days following June 1 of each calendar year, any unused allotments as provided for in Section 33-5203(2), Idaho Code, shall be distributed among the other regions by random drawing. (4-5-00)~~

~~01. Random Drawing. The random drawing shall be conducted in the Office of the State Board of Education during regular business hours on a regular business day not to exceed five (5) regular business days following June 1. (4-5-00)~~

~~02. Notice To Requesting Entities. The Office of the State Board of Education shall take reasonable efforts to notify all requesting districts whose petition is available for the random distribution of the date and time of the random drawing. Such notice may be by U.S. Mail, facsimile, electronic mail, or telephone. (3-19-99)~~

~~03. Method Of Random Drawing. The random drawing shall be conducted via the following method. The petition number as assigned pursuant to Section 33-5206(5), Idaho Code, shall be placed upon a three inch by five inch (3" x 5") index card for each requesting district qualified for the random distribution. All three inch by five inch (3" x 5") cards shall be placed in a receptacle deemed sufficient by the Executive Director of the State Board of Education. The State Superintendent of Public Instruction or his or her designee, shall randomly draw one (1) three inch by five inch (3" x 5") index card for each unused allotment. Only the petitions drawn at such drawing shall be allowed as charter schools and no further drawings shall be made for that calendar year under any circumstance whatsoever. (3-19-99)~~

~~4. Notification. The State Board of Education shall notify the charter school or schools selected via the random drawing and shall further notify all of the requesting petitioners not so selected. (3-19-99)~~

~~05. No Carryover Of Petitions. Any petition that is not allowed as a charter school pursuant to Section 33-5203(2), Idaho Code, through either the one (1) per district or two (2) per region allotment or by the~~

~~random drawing for any unused allotments, shall be returned to the petitioners and shall not carry over to the next year. Provided however, that nothing shall be construed as prohibiting the petitioners from submitting a similar or identical petition the following calendar year pursuant to these rules.~~ (3-19-99)

101. APPELLATE CHARTER AGENCY.

Pursuant to Sections, 33-101, 33-105, 33-107, 33-5207 and 33-5210, Idaho Code, the State Board of Education may delegate to an executive department of the State Board of Education, all rights, powers, duties, and obligations associated with assuming the role of a chartering agency for a charter school approved by the State Board of Education in the Charter Appeal Procedures. Employees of a charter school authorized by the State Board of Education will not be considered employees of the local school district, nor of the State Board of Education nor the delegated executive department of the State Board of Education. (11-4-03)T

01. Designation. All charter schools approved by the State Board of Education, in the appellate process will qualify fully as a charter school for all funding and other purposes of the Public Charter Schools Act of 1998. Public charter schools authorized by the State Board of Education will be designated as an independent Local Education Agency (LEA). (11-4-03)T

02. Governance. Charter schools authorized by the State Board of Education in the appellate process will be governed by Section 200 through 206 of these rules. (11-4-03)T

102. MULTI-DISTRICT CHARTER ENTITY.

Pursuant to Sections 33-101, 33-105, 33-107, 33-5210, Idaho Code and in furtherance of the legislative intent cited in 33-5202, Idaho Code, the State Board of Education may delegate to an executive department of the State Board of Education, all rights, powers, duties, and obligations associated with assuming the role of a chartering authorizing agency for a multi-district charter school approved by the State Board of Education. Employees of a multi-district charter school authorized by the State Board of Education will not be considered employees of the local school district, nor of the State Board of Education nor the delegated executive department of the State Board of Education. (11-4-03)T

01. Designation. All multi-district charter schools authorized by the State Board of will be designated as an independent LEA. (11-4-03)T

02. Governance. Charter schools authorized by the State Board of Education will be governed by Section 200 through 206 of these rules. (11-4-03)T

03. Grandfathering. Any Public Charter schools that is delivering education programs in multiple districts as of the date of this rule (November 14, 2003) will be grandfathered into the district which currently authorizes its operation. The Public Charter School may, at its discretion, apply to the State Board for authorization. The State Board of Education may develop an expedited approval process for multi-district charter schools that open prior to the implementation of these rules. (11-4-03)T

103. – 199. (RESERVED).

200. BASIC STEPS IN THE APPLICATION PROCESS FOR PUBLIC CHARTER SCHOOLS.

01. Workshops. Attend one or more of the Prospective Applicant Workshops. (11-4-03)T

02. Copies Of Application. Submit one (1) unbound original and fifteen (15) bound copies of a complete application. (11-4-03)T

03. Timeframes For Notification. Not more than fifteen (15) business days after receipt of the application, the applicant will be notified if the application is not complete. (11-4-03)T

4. Timeframes For Submission Of Application. Applications may be submitted by a local Public Charter school to the local School Board or by a Multi-District Public Charter School to the State Board of Education throughout the year. However, an application must be submitted by September 30 to be considered for operation in the subsequent school year. (11-4-03)T

05. Resubmission Of Incomplete Application. If the application is not complete, a new application may be submitted, as long as the deadline of September 30 has not passed. (11-4-03)T

06. Notification To The Board. The applicant will identify each school district in which their public charter school will be operating. (11-4-03)T

07. Notification To The School Districts. The State Board of Education will notify each affected school district about the public charter school. (11-4-03)T

08. Scoring Of Applications. All complete applications will be reviewed and scored by two (2) members of the Technical Review Panel. A third member will score the application if necessary for consistency/deviation. (11-4-03)T

09. Meets Or Exceeds. If the application Meets or Exceeds requirements in all scorable areas, it will be forwarded to the Board for consideration. Board members will also be provided with the scores and comments from the technical review panel and results of the applicant's/applicants' background and credit checks. Applicants will be notified of the date of the Board's consideration and provided a copy of their scoring rubric and comments. Applicants should be in attendance to answer questions from the Board. This is an opportunity for the Board to get clarification for the purpose of making a decision. No new documentation will be accepted from the applicant. (11-4-03)T

10. Notification Of Failure. The applicant will receive written notification if the application fails to score a Meets or Exceeds score on any scorable areas of the scoring rubric. At this time the applicant may request to withdraw the application from consideration and could submit a new application during the next cycle. If the applicant chooses to continue in the application process, the applicant may use the information provided in the scoring rubric as technical assistance to improve the application and resubmit within twenty (20) calendar days. The revised application will be reviewed by staff and forwarded to the Board for consideration with the notification that the application initially failed to meet the scoring requirements. Scores from the technical review panel, the staff review of the revisions, and results of the applicant's/applicants' background and credit checks will accompany the application and notification. Applicants will be notified of the date of the Board's consideration and provided a copy of the staff review. Applicants should be in attendance to answer questions from the Board. (11-4-03)T

11. Public Determination.

01. Public announcement of application decisions regarding a local Public Charter School will be made in a manner that is consistent with 33-5205 of Idaho Code.

02. For Multi-District Public Charter School applications, at a scheduled meeting of the Idaho State Board of Education, the Board will publicly make a determination whether to approve the application and grant the charter based on the materials reviewed and the qualifications of the applicant to operate a multi-District public charter school.

(11-4-03)T

201. INSTRUCTIONS.

Completely prepare the application using the format and timeline provided.

(11-4-03)T

01. Local Public Charter School Applications. Applications for local public charter schools must be mailed or delivered to the local school district office.

02. Multi-District Public Charter School Applications. Applications for multi-district public charter schools must be mailed to the State Board of Education Address found in Section 005 of these rules. (11-4-03)T

03. Format Of Application. Information must be provided on the required forms and may be downloaded from the Board's web page at www.idahoboardofed.org under Applicant Resources. (11-4-03)T

4. Complete Applications. (11-4-03)T

a. Contain the requested information, answers to all questions, and all attachments. (11-4-03)T

b. Present all information typed, on single-sided pages that are numbered consecutively. (11-4-03)T

c. Include one (1) unbound original and fifteen (15) bound copies (e.g. binder clip). (11-4-03)T

05. Incomplete Applications. Incomplete applications will not be forwarded to the Board for consideration. (11-4-03)T

06. Local District's Failure To Act. If the local district fails to act on the completed application in the timeframes set forth in Section 5200, Idaho Code, the public charter school can then appeal to the State Board of Education. (11-4-03)T

07. Application Timeline. The Idaho State Board of Education determines the application cycle for each school year. (11-4-03)T

08. Notification Of Deficiencies. Applications will be reviewed for completeness and applicants will receive written notification of deficiencies postmarked not more than fifteen (15) business days after the receipt of the application. Incomplete applications will not be forwarded to the Board. An applicant may submit a new application, if time remains, prior to the final deadline. It is for this reason that applicants are strongly encouraged to submit the application more than fifteen (15) business days prior to the final deadline. (11-4-03)T

09. Technical Review Panel. A Technical Review Panel, assigned by the authorizing body, will review complete applications for scoring. This panel is comprised of individuals from the field. The reviewers will be scoring each application pursuant to the scoring criteria attached to this application. (11-4-03)T

10. Notification Of Board Meeting. Applicants will be notified of the date, time, and location of the Board meeting in which their application will be presented. Applicants should be prepared to make a brief presentation to the Board and to answer questions of the Board. The Board may accept or reject the application for a charter at its discretion based on the compliance with these rules. (11-4-03)T

202. APPLICATION.

All information presented in the application, if approved, becomes part of the charter contract and will be used for accountability purposes throughout the term of the charter contract. The following documents must be included in the completed application. (11-4-03)T

01. Cover Sheet. Use this form to provide information on the Proposed School Name, the Applicant's Name, and the Table of Contents for your application. Applicants should refer to the Definitions, the Check List, and the Scoring Criteria for content criteria when developing this section. (11-4-03)T

02. Title Page. Enter the name of the applicant and the name and mailing address of the individual that will serve as the authorized agent on behalf of the entity/individual seeking the charter. In addition, provide the form of organization that is seeking the charter, the names of the corporate principals of the organization, and the make-up and membership of the governing body of your school. Applicants should refer to the Definitions, the Check List, and the Scoring Criteria for content criteria when developing this section. (11-4-03)T

03. Target Population. Use this form to provide information on the school's mission, grade levels to be served, school calendar, and facilities. Applicants should refer to the Definitions, the Check List, and the Scoring Criteria for content criteria when developing this section. (11-4-03)T

04. Comprehensive Program of Instruction. In evaluating the scope of the application, it may be the determination of the Board to approve a portion of the population to be served (i.e. K-8 or 9-12 and not an entire K-12 program). Therefore, if the application is for both an elementary and secondary program, the sections below should be separated for the purpose of describing an elementary and secondary program. Applicants should refer to the Definitions, the Check List, and the Scoring Criteria for content criteria when developing this section. (11-4-03)T

a. Curricular Emphasis Submit a narrative describing the school's program of instruction to include philosophy, special emphasis (if you have one), and methods of instruction and assessment in relation to achieving the school's mission. This section should give the reader the sense of what your school will look and feel like its first year in operation and in subsequent years if growth is expected. Class size, mastery levels, remediation, etc. should be discussed. Narrative may be up to three pages in length. (11-4-03)T

b. Effectiveness Goals. The applicant is required to provide Student Learning goals and the objectives for those goals. Student Learning goals will reflect compliance with Idaho Standards. Measurable objectives that appropriately quantify your students' performance on State mandated testing must be included. Additional pupil learning goals are encouraged beyond ISAT, IRI and DWA. Other goals may be included, up to three (3) pages. (11-4-03)T

c. As a public school in Idaho, you are required to align your curriculum to the State standards. Provide a curriculum sample for each of the following: (11-4-03)T

i. If serving an elementary population, a complete application will include a Reading sample, a Writing sample, and a Math sample for each of the grades that are served. (11-4-03)T

ii. If serving a high school population, a complete application will include a Reading sample and a Writing sample for each grade being served. Additionally, five (5) Math samples, one sample from each strand, must be submitted. (11-4-03)T

d. Discussion and examples of how the Program of Instruction will be monitored to include: (11-4-03)T

i. Dissemination of information to teachers. (11-4-03)T

ii. Tracking of students' progress toward mastery of State standards over time. (11-4-03)T

iii. Integration of Standards into instructional practices. (11-4-03)T

e. Describe the special education delivery models to be used by the school. (11-4-03)T

05. Detailed Business Plan. Applicants are to submit a detailed business plan with all of the components below, including the attachments and appendices listed: Applicants should refer to the Definitions, the Check List, and the Scoring Rubric for content criteria when developing this section. (11-4-03)T

a. Business Description. (11-4-03)T

i. Organization. (11-4-03)T

(1) Form. (11-4-03)T

(2) Organization licenses and permits acquired. (11-4-03)T

<u>ii. School/Facility Description.</u>	<u>(11-4-03)T</u>
<u>(1) Hours of operation.</u>	<u>(11-4-03)T</u>
<u>(2) Facility/Acquisition plans.</u>	<u>(11-4-03)T</u>
<u>(3) Building options.</u>	<u>(11-4-03)T</u>
<u>b. Marketing Plan.</u>	<u>(11-4-03)T</u>
<u>i. Customers identified.</u>	<u>(11-4-03)T</u>
<u>ii. Market growth.</u>	<u>(11-4-03)T</u>
<u>iii. Advertising and promotion plan.</u>	<u>(11-4-03)T</u>
<u>c. Management Plan.</u>	<u>(11-4-03)T</u>
<u>i. Corporate Principals.</u>	<u>(11-4-03)T</u>
<u>(1) Background of each corporate principal as it supports the ownership of the school.</u>	<u>(11-4-03)T</u>
<u>(2) What are their weaknesses and how will you compensate for those.</u>	<u>(11-4-03)T</u>
<u>(3) Corporate Principal support documents.</u>	<u>(11-4-03)T</u>
<u>(a) Resumes of Corporate Principals.</u>	<u>(11-4-03)T</u>
<u>(b) Background Information Sheets.</u>	<u>(11-4-03)T</u>
<u>(c) Copy of a valid Fingerprint Clearance Card for each corporate principal as it appears on file with DPS.</u>	<u>(11-4-03)T</u>
<u>(d) Signed and notarized affidavit for each corporate principal.</u>	<u>(11-4-03)T</u>
<u>(4) Copy of Articles of Incorporation as they appear on file with Idaho Corporation Commission.</u>	<u>(11-4-03)T</u>
<u>(5) Copy of Corporate Bylaws.</u>	<u>(11-4-03)T</u>
<u>ii. Governing Body.</u>	<u>(11-4-03)T</u>
<u>(1) Make up of the governing body.</u>	<u>(11-4-03)T</u>
<u>(2) Establishment of members.</u>	<u>(11-4-03)T</u>
<u>(3) Role of the governing body.</u>	<u>(11-4-03)T</u>
<u>(4) Differentiation between the governing body and the corporate principals.</u>	<u>(11-4-03)T</u>
<u>iii. Personnel.</u>	<u>(11-4-03)T</u>
<u>(1) What personnel will be needed?</u>	<u>(11-4-03)T</u>

- (a) Quantity and Title. (11-4-03)T
- (b) Qualifications/Salaries/Benefits. (11-4-03)T
- (2) What are the plans for recruiting, hiring, and training? (11-4-03)T
- iv. Organizational Flow Chart. (11-4-03)T
- d. Financial Plan. (11-4-03)T
- i. Start Up Costs – one time and major purchases, expenses prior to first equalization payment. (11-4-03)T
- (1) Timeline from approval to July 15 of activities and expenses required to implement the charter. (11-4-03)T
- (2) Start Up Budget with Assumptions. (11-4-03)T
- (3) Additional revenue documentation. (11-4-03)T
- ii.. Operating Budget. (11-4-03)T
- (1) Three year Operating Budget. (11-4-03)T
- (2) First year Month-by-Month Cash flow. (11-4-03)T
- (3) Budget Assumptions. (11-4-03)T
- 06. Compliance Assurances.** Review this form, sign and date it, and include it with your application submission. (11-4-03)T
- 07. Additional Information/Letters of Support.** Optional one page narrative and up to three (3) letters of support. (11-4-03)T
- 08. Certificate of Workshop Attendance or Workshop Waiver. Application will include either:** (11-4-03)T
- a. Proof of attendance at Perspective Applicant Workshop as evidenced by the inclusion of a copy of the certificate received by a representative of the corporation. (11-4-03)T
- b. Inclusion of a waiver acknowledging applicant's choice to decline opportunities to receive technical assistance in the application process. (11-4-03)T
- 09. Bibliography.** Bibliography page indicating sources presented in application that are not the applicant's original work. (11-4-03)T
- 203. ACCESS TO DOCUMENTS.**
All documents, including application forms, instructions and scoring forms are available from the State Board of Education, the State Department of Education or on the State Board web site. (11-4-03)T
- 204. ANNUAL REVIEW.**
As directed in 33-5206 (6), each Public Charter School approved by either a local school district or the State Board of Education or its designee, will be submit an annual report that documents compliance with all requirements and provision included in the application process and documented in the contract.

205. REVOCATION RENEWAL.

If the authorizing agency determines, during the annual review identified in section 204 of these rules, a determination is made that the Public Charter School, has failed to comply with the terms of the Charter contract, the authorizing agency may revoke the school's charter.

206. FIVE YEAR RENEWAL.

Idaho Code 33-5206 states that charters will be granted for a maximum of 5 years. At the termination of the charter period the Public Charter School will submit a renewal application that will include all the items included in section 200 to 206 of these rules.

207. – 299. (RESERVED).

300. CHARTER SCHOOL ADMISSIONS PROCEDURES.

01. Selection Process. The State Board of Education, for the purpose of Section 33-5205(3)(i), Idaho Code will consider the terms “random” and “equitable selection process” to include any identified selection process that excludes no more than ten percent (10%) of student seats for the purpose of educating children of charter founders. (11-4-03)T

02. Nondiscrimination. A public charter school shall be nonsectarian in its programs, affiliations, admissions policies, and employment practices and shall not discriminate against any student or parent on any basis prohibited by the federal or state constitutions or any federal, state or local law. (11-4-03)T

301. – 399. (RESERVED).

400. APPEALS AND RESOLUTIONS.

In the event of disputes resulting from the implementation of these rules or this chapter, the following appeal procedures will apply. (11-4-03)T

02401. APPEAL TO SUPERINTENDENT OF PUBLIC INSTRUCTION.

Appeals to the State Superintendent of Public Instruction shall follow the procedures as set forth in Section 33-5207, Idaho Code. (3-19-99)

021. — 029. — (RESERVED).

03402. APPEALS TO THE STATE BOARD OF EDUCATION.

Appeals to the State Board of Education shall be on such procedures and conditions set forth by the State Board of Education in its Governing Policies and Procedures. Appeals under these rules will apply to rule implementation and authorization decisions by local school districts. Each type of appeal will be handled in accordance with the Sections 402 of these rules. (3-19-99)(11-4-03)T

~~**01. State Board Approval.** Approval by the State Board of Education of a charter pursuant to Section 33-5207(5)(b), Idaho Code, shall constitute full approval of the charter school. The State Board of Education shall assume the role of chartering entity and the employees of such charter school shall not be considered employees of the school district nor of the State Board of Education. (3-19-99)~~

01. Disputes Resulting From Rules Implementation. In the event of disputes resulting from the implementation and interpretation of these rules, an appeal by a local district, public charter school or interested party may be registered with the State Board of Education in a manner consistent with Section of 402 of these rules.

02. Disputes Resulting From Applications For Public Charter School Authorization. Appeals to the State Board of Education relating to an authorization application, pursuant to Section 33-5207 Idaho Code, shall be conducted in a manner consistent with section 402 of these rules (3-19-99)

03. Appeal Process. The appeal procedures set forth in this section shall apply to all appeals to the Board where such procedures are not otherwise provided for by the Board Governing Policies and Procedures, the Board's rules, or by-laws. Unless specifically provided in the Board's Governing Policies and Procedures, the Board's rules, or by law, appeal to the Board is not a matter of right. The Board has discretion as to whether to hear the appeal. In such cases, the appeal to the Board is not necessary to exhaust administrative remedies for the purposes of judicial review, if such review is available. (11-4-03)T

a. Appeals to the Board. (11-4-03)T

i. To initiate an appeal to the Board, the appellant shall file a notice of appeal, plus eleven (11) copies, with the Board no later than twenty-one (21) days following the final action that is the subject of the appeal. Such notice of appeal shall include the name, address, and telephone number of the appellant and a reasonable description of the subject matter of the appeal, and shall have attached thereto the written notice of final action upon which the appeal is based. (11-4-03)T

ii. All appeals shall be filed at the Office of the State Board of Education (650 W. State St., Third Floor, PO Box 83720, Boise, ID 83720-0037). (11-4-03)T

iii. If the Board has discretion whether to hear the appeal, then within seventy (70) days after receipt of such notice of appeal the Board shall determine whether to hear the appeal. If the Board denies the request for an appeal, then the Board shall notify the appellant accordingly in writing. (11-4-03)T

iv. If the Board agrees to hear the appeal, or if the appeal is not discretionary, the Board shall provide written notice of the approved appeal to the appellant. Such notice shall set forth whatever procedures and conditions for the appeal the Board deems appropriate. Unless inconsistent with the procedures and conditions set by the Board for a particular case, the Board may conduct such appeals consistent with IDAPA 08.01.01.050. (11-4-03)T

v. The decision being appealed shall be in full force and effect during the appeal process, including the request for appeal, and shall not be held in abeyance. (11-4-03)T

b. Appeals for Charter Schools Establishment

Appeals for the establishment of a charter school pursuant to Idaho Code Section 33-5207(5)(b) shall be held pursuant to the procedures set forth in the following subsection and not pursuant to IDAPA 08.01.01.050, IDAPA 04.11.01, and Chapter 52, Title 67, Idaho Code. (11-4-03)T

i. The petitioner/appellant shall file a notice of appeal with the Board as provided in Section a. above. In addition to the requirements in said section, the notice of appeal shall include the following: the name, address, and telephone number of the local board of trustees that denied the charter school application; and a copy of the official minutes of the meeting of the local board meeting at which the charter school application was denied.

ii. The Board shall deliver written notice of the appeal to the petitioner/appellant requesting the appeal and the local board of trustees that denied the petition. Pursuant to Idaho law, such notice shall be in writing and delivered by first class mail to the parties at least five (5) days prior to the hearing that will be set at the Board's next regularly scheduled meeting. Provided, however, if the appeal request is received by the Board at such time that timely notice cannot be given, or that the requirements of the open meetings law prevent the appeal from being heard at the first next regularly scheduled Board meeting, then such appeal shall be heard at the regularly scheduled Board meeting immediately following the first next regularly scheduled Board meeting. (11-4-03)T

0403. -- 999. (RESERVED).