

SUBJECT

Proposed Administrative Rule Amendments

APPLICABLE STATUTE, RULE, OR POLICY

IDAPA 08.02.04

IDAPA 08.03.01

BACKGROUND

During the 2013 legislative session, Idaho's legislature approved amendments to charter school statute that have resulted in the need to update State Board of Education (SBOE) and Public Charter School Commission (PCSC) administrative rules.

DISCUSSION

The draft, proposed rules included with these materials update SBOE and PCSC rules in a manner consistent with legislative changes that were supported by the PCSC. Some additional, clean-up changes update the rules to correspond with existing SDE and PCSC policy and procedures.

The proposed changes to IDAPA 08.03.01, Rules of the Public Charter School Commission, are included with these materials in draft form for the PCSC's consideration. If members of the public would like to provide comment regarding PCSC rules, such comment may be submitted to PCSC Director Tamara Baysinger. The PCSC chairman may also choose to hear public comment during the June 13, 2013, PCSC meeting.

IDAPA 08.02.04, Rules Governing Public Charter Schools, are rules of the State Board of Education and will also be amended in response to the 2013 legislation. Drafts are not available at this time. If the PCSC, individual Commissioners, or members of the public would like to provide comment regarding SBOE rules, such comment may be submitted to Tracie Bent in the Office of the State Board of Education.

IMPACT

Proposed rules will be considered by Idaho's legislature during the 2014 legislative session.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the proposed amendments to IDAPA 08.03.01.

COMMISSION ACTION

A motion to approve the proposed amendments to IDAPA 08.03.01 as submitted.

OR

June 13, 2013

A motion to approve the proposed amendments to IDAPA 08.03.01 with the following changes:

_____.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

IDAPA 08
TITLE 03
CHAPTER 01

08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION

000. LEGAL AUTHORITY.

The Public Charter School Commission, in accordance with Section 33-5213, Idaho Code, adopts these rules.

(4-11-06)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.03.01, "Rules of the Public Charter School Commission."

(4-11-06)

02. Scope. These rules provide the requirements for the governance and administration of the Public Charter School Commission.

(4-11-06)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations of the rules of this chapter, if any, are available at the offices of the Public Charter School Commission.

(4-11-06)

003. ADMINISTRATIVE APPEALS.

The provisions of Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," govern appeals from decisions of the Commission.

(4-11-06)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules.

(4-11-06)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The Public Charter School Commission is located in the offices of the Idaho State Board of Education.

(4-11-06)

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

(4-11-06)

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho.

(4-11-06)

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037.

(4-11-06)

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

(4-11-06)

05. Facsimile. The Board's FAX number is (208) 334-2632.

(4-11-06)

06. Electronic Address. The Board of Education website at www.boardofed.idaho.gov.

(4-11-06)

006. PUBLIC RECORDS ACT COMPLIANCE.

Commission records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

(4-11-06)

007. -- 099. (RESERVED)

100. DEFINITIONS.

01. Board. The Idaho State Board of Education or its designee. (4-11-06)

02. Commission. The Public Charter School Commission or its designee. (4-11-06)

101. -- 199. (RESERVED)

200. PROCEEDINGS BEFORE THE COMMISSION.

Proceedings or other matters before the Commission or its duly appointed hearing officer are governed by the provisions of Title 33, Chapter 52, Idaho Code, IDAPA 08.02.04, and these rules. (4-11-06)

201. COMMUNICATIONS WITH COMMISSION.

All written communications and documents intended to be part of an official record of decision in any proceeding before the Commission of any hearing officer appointed by the Commission must be filed with the individual designated by the agency. Unless otherwise provided by statute, rule, order, or notice, documents are considered filed when received by the officer designated to receive them, not when mailed or otherwise transmitted. (4-11-06)

202. COMPUTATIONS OF TIME.

Whenever statute, these or other rules, order, or notice requires an act be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday, or a legal holiday, the act may be done on the first day following that is not a Saturday, Sunday, or legal holiday. (4-11-06)

203. BOARD MEETINGS -- MAJORITY -- CHAIRMAN.

01. Majority. A simple majority of members voting shall be sufficient to decide any matter pending before the Commission. (4-11-06)

02. Chairman Vote. The chairman shall vote only when necessary to break a tie. (4-11-06)

204. -- 299. (RESERVED)

300. PETITION -- SUBMISSION.

01. Number of Copies. Petitioners shall submit a petition consisting of an electronic copy of the petition in Microsoft® Word format. Appendices to the petition must be submitted as a single document and may be in Adobe® format (PDF). (4-4-13)

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," and IDAPA 08.03.01, "Rules of the Public Charter School Commission." (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 a complete, electronic copy of the petition, with the text to be removed stricken and the new language underlined, with the date of revision noted on the title page. (4-4-13)

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~~ monitoring the public charter school's ~~operates~~ operations in accordance with all of the terms and conditions of the ~~approved charter performance certificate~~, 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; (4-4-13)
- 02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety; (4-4-13)
- 03. Fire Marshal Report.** A fire marshal report for the public charter school site; (4-11-06)
- 04. 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; (4-4-13)
- 05. 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)
- 06. 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; (4-4-13)
- 07. Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school; and (4-4-13)
- 08. School Calendar.** 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. (4-4-13)

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; (4-4-13)
- 02. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (4-4-13)
- 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; (4-4-13)
- 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; (4-4-13)

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; (4-4-13)

~~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; (4-4-13)

~~07. Programmatic Operations Audit.~~ An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(1), Idaho Code, must be submitted no later than August 15th for the previous school year. (4-4-13)

08.06. Proof of Compliance. Additional proof of compliance as reasonably requested by the Commission. (4-4-13)

303. -- 399. (RESERVED)

400. PETITION -- PUBLIC HEARING.

A public hearing, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission. ~~The Commission will:~~ (4-11-06)

~~01. Charter Provisions.~~ Consider the provisions of the public school charter petition. (4-11-06)

~~02. Petition Merits.~~ Consider the merits of the petition including, but not limited to, the presentation by authorized representatives for the petition. (4-11-06)

~~03. Petition Support.~~ Consider the level of employee and parental support of the petition. (4-11-06)

~~04. School District Comment.~~ Consider any oral or written comments of an authorized representative of the school district in which the proposed public charter school would be physically located. (4-11-06)

~~05. Public Comment.~~ Citizens intending to testify must notify the Commission the day of the meeting. Public comment will be limited to ten (10) minutes, unless otherwise determined by the Commission chairman. (4-11-06)

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, and e-mail address of the petitioner's authorized representative. (4-4-13)

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

- 03. Tab 1.** Mission and vision statements. (4-4-13)
- 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. (4-4-13)
- 05. Tab 3.** (4-11-06)
- a.** A description of what it means to be an “educated person” in the twenty-first century, and how learning best occurs. (4-4-13)
- b.** 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. (4-4-13)
- 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. (4-4-13)
- d.** The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. (4-4-13)
- 06. Tab 4.** (4-11-06)
- a.** The measurable student educational standards the public charter school will use. (4-4-13)
- b.** The method by which student progress in meeting the identified student educational standards is to be measured. (4-4-13)
- 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. (4-4-13)
- d.** A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. (4-4-13)
- 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. (4-4-13)
- b.** A description of the ethical standards to which the governing board of the public charter school will adhere. (4-4-13)
- c.** A plan for the initial and ongoing training of the governing board of the public charter school. (4-4-13)
- d.** The process to be followed by the public charter school to ensure parental involvement. (4-4-13)
- e.** The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. (4-4-13)
- 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. (4-4-13)
- b. The procedures that the public charter school will follow to ensure the health and safety of students and staff. (4-4-13)
- c. The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (4-4-13)
- d. 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 re-enrolled. (4-4-13)
- e. 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. (4-4-13)
- f. 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. (4-4-13)
- g. A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. (4-4-13)
- h. 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. (4-4-13)
 - b. The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. (4-4-13)
 - c. The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. (4-4-13)
 - d. A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. (4-4-13)
 - ~~e. 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)~~
 - fe.** 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)
 - gf.** 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. The school's financial plan, and (4-4-13)
- v. A pre-opening plan and timeline. (4-4-13)
- b.** A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4-11-06)
- c.** 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(69), 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. (4-4-13)
- 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.** (4-4-13)
- 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; (4-4-13)
- 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. (4-4-13)
- c.** Resumes of the directors of the nonprofit corporation, including references; (4-4-13)
- d.** Copies of any contracts or lease agreements; (4-4-13)
- e.** Start-up budget with assumptions form and supporting documentation; (4-4-13)
- f.** Three-year operating budget form; and (4-4-13)
- g.** First year month-by-month cash flow form. (4-4-13)
- 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. (4-4-13)
- 402. -- 999. (RESERVED)**