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**IDAPA 08
TITLE 02
Chapter 04**

08.02.04 - RULES GOVERNING CHARTER SCHOOLS

000. LEGAL AUTHORITY.

In accordance with Section 33-105, Idaho Code, the Idaho State Board of Education shall promulgate rules implementing the provisions of Chapter 52, Title 33, Idaho Code. (3-19-99)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.02.04, "Rules Governing Charter Schools". (3-19-99)

02. Scope. These rules constitute the requirements for the registration of charter schools in Idaho. (3-19-99)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 64-5201(19)(b)(iv), Idaho Code, any written interpretation of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State Street, Room 307, Boise, Idaho 83702. (3-19-99)

003. ADMINISTRATIVE APPEAL.

Pursuant to Section 33-5207(5)(b), Idaho Code, any appeals pertaining to establishment of a new charter school shall be on such procedures as set forth in the governing policies and procedures of the State Board of Education. (3-19-99)

004. CHARTER SCHOOLS.

The State Board of Education sets forth the following rules to govern the application procedure for registration of charter schools pursuant to Chapter 52, Title 33, Idaho Code. The State Board of Education hereby designates the Department of Education to implement all aspects of this chapter unless the implementation is specifically vested in rule, or by law, with another entity. (3-19-99)

005. -- 009. (RESERVED).

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)
- 04. 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, 8:00 am to 5:00 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)

04. 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 October 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. (3-19-99)

- 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 October 1. (3-19-99)

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)

04. 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)

013. -- 019. (RESERVED).

020. 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).

030. 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. (3-19-99)

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)

031. -- 999. (RESERVED).