

## **DAPA 08 – STATE BOARD OF EDUCATION**

### **Office of the State Board of Education**

#### **08.03.01 – Rules of the Public Charter School Commission**

##### **Who does this rule apply to?**

*This rule applies to individuals wishing to form a public charter school authorized by the Public Charter School Commission.*

##### **What is the purpose of this rule?**

*The purpose of this rule is to set out the petition processes for requesting approval of a public charter school authorized by the Public Charter School Commission*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

State Board of Education:

- [Section 33-105, Idaho Code](#) – Rules – Executive Department

Public Charter Schools:

- [Section 33-5213, Idaho Code](#) – Public Charter School Commission

##### **Who do I contact for more information on this rule?**

Idaho State Board of Education  
8:00 am – 5:00 pm (Mountain Time)  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 334-2270  
Fax: (208) 334-2632  
Email: [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov)  
<https://boardofed.idaho.gov/>

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**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 are titled 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. Web Address.** The electronic address of the Board of Education is <https://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 74, Chapter 1, 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. COMPLIANCE MONITORING.**

The Commission shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the 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: (3-20-14)

**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. Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school; and (4-4-13)

**301. 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 any notice from the public charter school's accrediting body that the public charter school has failed to meet or maintain full accreditation requirements must be submitted within five (5) business days of receipt; (3-28-18)

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

**302. -- 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. 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. (3-20-14)

**401. -- 999. (RESERVED)**

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