

# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents - Volume 1

October 2, 2002 -- Volume 02-10

TABLE OF CONTENTS .....	1
PREFACE .....	5
<b>IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE</b>	
<b>02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY</b>	
Docket No. <b>02-0403-0202</b>	
Notice Of Rulemaking - Pending Rule.....	21
Docket No. <b>02-0403-0204</b>	
Notice Of Rulemaking - Proposed Rule .....	22
Docket No. <b>02-0403-0205</b>	
Notice Of Rulemaking - Proposed Rule .....	26
<b>02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT</b>	
Docket No. <b>02-0416-0201</b>	
Notice Of Rulemaking - Temporary And Proposed Rule .....	34
<b>02.04.20 - RULES GOVERNING BRUCellosIS</b>	
Docket No. <b>02-0420-0201</b>	
Pending Rule And Amendment To Temporary Rule .....	39
<b>02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS</b>	
Docket No. <b>02-0421-0201</b>	
Pending Rule And Amendment To Temporary Rule .....	42
<b>02.04.22 - RULES GOVERNING ANIMAL HEALTH EMERGENCIES</b>	
Docket No. <b>02-0422-0201</b>	
Notice Of Rulemaking - Proposed Rule .....	52
<b>02.06.00 - NOTICE OF LEGISLATIVE ACTION AFFECTING THE ADMINISTRATIVE RULES OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE, DIVISION OF PLANT INDUSTRIES</b>	
Docket No. <b>02-0600-0201</b>	
Notice Of Rulemaking - Temporary And Proposed Rule .....	59
<b>02.06.05 - RULES GOVERNING DISEASES OF HOPS (<i>Humulus lupulus</i>) .....</b>	<b>60</b>
<b>02.06.07 - RULES GOVERNING WHITE ROT DISEASE OF ONION (<i>Sclerotium cepivorum</i>) .....</b>	<b>61</b>
<b>02.06.11 - RULES GOVERNING EUROPEAN CORN BORER (<i>Ostrinia nubilalis</i>) .....</b>	<b>62</b>
<b>02.06.14 - RULES GOVERNING ANNUAL BLUEGRASS (<i>Poa Annua</i>) .....</b>	<b>64</b>
<b>02.06.15 - RULES GOVERNING PEACH TREE DISEASES .....</b>	<b>68</b>
<b>02.06.17 - RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES .....</b>	<b>68</b>

**02.06.18** - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION .....70

**02.06.20** - RULES GOVERNING GRAPE PLANTING STOCK .....73

**02.06.24** - RULES GOVERNING THE JAPANESE BEETLE (*Popillia japonica*) .....74

**02.06.26** - RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS .....76

**02.06.29** - RULES GOVERNING NON-NATIVE PHYTOPHAGOUS SNAILS .....77

**02.06.32** - RULES GOVERNING THE ANTHRACNOSE DISEASE  
OF LENTIL, LENS CULINARIS MEDIK .....79

**02.06.35** - RULES GOVERNING ROUGH BLUEGRASS (*Poa Trivialis*) .....80

**02.06.36** - RULES GOVERNING KARNAL BUNT DISEASE  
OF WHEAT, RYE, AND TRITICALE .....82

**02.06.38** - RULES GOVERNING PLUM CURCULIO (*Conotrachelus nenuphar*) .....83

**02.06.40** - RULES GOVERNING GINSENG CROP MANAGEMENT AREA FOR MAGIC VALLEY .....85

**02.06.01** - RULES GOVERNING THE PURE SEED LAW  
Docket No. **02-0601-0101**  
Notice Of Rescission Of Temporary Rule.....88

**02.06.06** - BACTERIAL DISEASES OF BEANS, PHASEOLUS SPECIES  
Docket No. **02-0606-0201**  
Notice Of rulemaking - Temporary And Proposed Rule.....89

**02.06.06** - RULES GOVERNING THE PLANTING OF BEANS,  
(*PHASEOLUS*) SPECIES, IN IDAHO  
Docket No. **02-0606-0202** (Fee Rule)  
Notice Of Rulemaking - Temporary And Proposed Rule .....90

**IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS**

**05.01.03** - RULES OF THE CUSTODY REVIEW BOARD  
Docket No. **05-0103-0201**  
Notice Of Rulemaking - Temporary And Proposed Rule .....100

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.01** - RULES OF BUILDING SAFETY - GENERAL  
Docket No. **07-0301-0201**  
Notice Of Rulemaking - Proposed Rule .....107

**07.03.02** - RULES OF THE ADVISORY BOARD  
Docket No. **07-0302-0201**  
Notice Of Rulemaking - Proposed Rule .....112

**07.03.03** - RULES GOVERNING MANUFACTURED BUILDINGS  
Docket No. **07-0303-0201**  
Notice Of Rulemaking - Proposed Rule .....114

**07.03.05** - RULES GOVERNING MANUFACTURED HOMES

Docket No. <b>07-0305-0201</b>	
Notice Of Rulemaking - Proposed Rule .....	121
<b>07.03.06 - RULES GOVERNING THE USE OF THE UNIFORM BUILDING CODE</b>	
Docket No. <b>07-0306-0201</b>	
Notice Of Rulemaking - Temporary And Proposed Rule .....	124
<b>07.03.07 - RULES GOVERNING CERTIFICATION</b>	
Docket No. <b>07-0307-0201</b> (Repeal Of Chapter)	
Notice Of Rulemaking - Temporary And Proposed Rule .....	128
<b>07.03.07 - RULES GOVERNING THE USE OF THE INTERNATIONAL ENERGY CONSERVATION CODE</b>	
Docket No. <b>07-0307-0202</b> (New Chapter)	
Notice Of Rulemaking - Temporary And Proposed Rule .....	129
<b>07.03.08 - RULES GOVERNING COMMERCIAL COACHES</b>	
Docket No. <b>07-0308-0201</b>	
Notice Of Rulemaking - Proposed Rule .....	131
<b>07.03.10 - RULES GOVERNING USE OF THE LIFE SAFETY CODE</b>	
Docket No. <b>07-0310-0201</b> (Repeal Of Chapter)	
Notice Of Rulemaking - Temporary And Proposed Rule .....	137
<b>07.03.10 - RULES GOVERNING USE OF THE INTERNATIONAL RESIDENTIAL CODE</b>	
Docket No. <b>07-0310-0202</b>	
Notice Of Rulemaking - Temporary And Proposed Rule .....	138
<b>07.03.12 - RULES GOVERNING MANUFACTURED HOME INSTALLATIONS</b>	
Docket No. <b>07-0312-0201</b>	
Notice Of Rulemaking - Proposed Rule .....	140
<b><u>IDAPA 08 - IDAHO STATE BOARD OF EDUCATION</u></b>	
<b>08.02.02 - RULES GOVERNING UNIFORMITY</b>	
Docket No. <b>08-0202-0201</b>	
Notice Of Rulemaking - Proposed Rule .....	143
Docket No. <b>08-0202-0202</b>	
Notice Of Rulemaking - Proposed Rule .....	145
Docket No. <b>08-0202-0203</b>	
Notice Of Rulemaking - Proposed Rule .....	147
<b>08.02.03 - RULES GOVERNING THOROUGHNESS</b>	
Docket No. <b>08-0203-0202</b>	
Notice Of Rulemaking - Proposed Rule .....	149
Docket No. <b>08-0203-0203</b>	
Notice Of Rulemaking - Proposed Rule .....	154
Docket No. <b>08-0203-0204</b>	

Notice Of Rulemaking - Proposed Rule .....184

**IDAPA 09 - IDAHO DEPARTMENT OF LABOR**

**09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

        Docket No. **09-0104-0201**

            Notice Of Rulemaking - Proposed Rule .....216

**IDAPA 11 - IDAHO STATE POLICE**

**11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY**

        Docket No. **11-1003-0201**

            Notice Of Rulemaking - Pending Rule.....217

**11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

        Docket No. **11-1101-0201**

            Notice Of Rulemaking - Temporary And Proposed Rule .....218

**11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS**

        Docket No. **11-1102-0201**

            Notice Of Rulemaking - Pending Rule.....274

**11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS**

        Docket No. **11-1103-0201**

            Pending Rule And Amendment To Temporary Rule .....275

**11.12.01 - RULES GOVERNING RECORD CHECKS FOR TRANSFERS OF HANDGUNS**

        Docket No. **11-1201-0201 (Repeal Of Chapter)**

            Notice Of Rulemaking - Pending Rule.....278

**SUBJECTS AFFECTED INDEX** .....

**BULLETIN SUMMARY OF PROPOSED RULEMAKINGS** .....

**CUMULATIVE RULEMAKING INDEX** .....

**SUBJECT INDEX** .....

# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, Bulletin 01-1 refers to the first Bulletin issued in calendar year 2001, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 2001 is cited as Volume 01-1, the December 1999 Bulletin is cited as Volume 99-12. The March 2000 Bulletin is cited as Volume 00-3.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The **Idaho Administrative Code** is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been adopted and approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

## **TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rulemaking process comprises five distinct activities; Negotiated, Proposed, Temporary, Pending, and Final rulemaking. Not all rulemakings consist of all five. At a minimum a rulemaking includes proposed, pending, and final rulemaking. Many rules are adopted as temporary rules when meeting required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULEMAKING**

*Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rulemaking to the temporary and/or proposed rule stage.*

### **PROPOSED RULEMAKING**

*A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:*

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

*As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.*

### **TEMPORARY RULEMAKING**

*Temporary rules may be adopted only when the governor finds that it is necessary for:*

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

*If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.*

*A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.*

*An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.*

### **PENDING RULEMAKING**

*A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and remains subject to legislative review before it becomes a final, enforceable rule.*

*When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:*

- a) the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective; and*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

*Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.*

### **FINAL RULEMAKING**

*A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.*

*No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.*

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

*The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, BYU Idaho Library, and Northwest Nazarene College Library.*

---

## SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

*The Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

*The Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

*Individual Rule Chapters* and *Individual Rulemaking Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

**Internet Access** - The Administrative Code and Administrative Bulletin, individual chapters and dockets, are available on the Internet at the following address: <http://www2.state.id.us/adm/adminrules/>

**EDITOR'S NOTE:** All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

## HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

### **IDAPA 38.05.01.060.02.c.ii.**

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Paragraph 060.02.c.

"ii." refers to Subparagraph 060.02.c.ii.



---

## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0101). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

### "DOCKET NO. 38-0501-0101"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"0101" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 2001.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

### "(BREAK IN CONTINUITY OF SECTIONS)"

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

**"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."**

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

**"...in accordance with IDAPA 38.05.01.201."**

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

**"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"**

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2002

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
02-1	January, 2002	<b>*November 14, 2001</b>	January 2, 2002	January 23, 2002
02-2	February, 2002	December 19, 2001	February 6, 2002	February 27, 2002
02-3	March, 2002	January 23, 2002	March 6, 2002	March 27, 2002
02-4	April, 2002	February 20, 2002	April 3, 2002	April 24, 2002
02-5	May, 2002	March 27, 2002	May 1, 2002	May 22, 2002
02-6	June, 2002	April 24, 2002	June 5, 2002	June 26, 2002
02-7	July, 2002	May 22, 2002	July 3, 2002	July 24, 2002
02-8	August, 2002	June 19, 2002	August 7, 2002	August 28, 2002
02-9	September, 2002	July 24, 2002	September 4, 2002	September 25, 2002
02-10	October, 2002	<b>**August 21, 2002</b>	October 2, 2002	October 23, 2002
02-11	November, 2002	September 25, 2002	November 6, 2002	November 27, 2002
02-12	December, 2002	October 23, 2002	December 4, 2002	December 25, 2002

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2003

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
03-1	January, 2003	<b>*November 13, 2002</b>	January 1, 2003	January 22, 2003
03-2	February, 2003	December 18, 2002	February 5, 2003	February 26, 2003
03-3	March, 2003	January 22, 2003	March 5, 2003	March 26, 2003
03-4	April, 2003	February 19, 2003	April 2, 2003	April 23, 2003
03-5	May, 2003	March 26, 2003	May 7, 2003	May 28, 2003
03-6	June, 2003	April 23, 2003	June 4, 2003	June 25, 2003
03-7	July, 2003	May 21, 2003	July 2, 2003	July 23, 2003
03-8	August, 2003	June 25, 2003	August 6, 2003	August 27, 2003
03-9	September, 2003	July 23, 2003	September 3, 2003	September 24, 2003
03-10	October, 2003	<b>**August 20, 2003</b>	October 1, 2003	October 22, 2003
03-11	November, 2003	September 24, 2003	November 5, 2003	November 26, 2003
03-12	December, 2003	October 22, 2003	December 3, 2003	December 24, 2003

***\*Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.***

***\*\*Last day to submit proposed rules in order to complete rulemaking for review by legislature.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2001 ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 01</b>	<b>ACCOUNTANCY</b> , Board of	<b>VOLUME 1</b>
<b>IDAPA 38</b>	<b>ADMINISTRATION</b> , Department of	<b>VOLUME 8</b>
<b>IDAPA 44</b>	<b>ADMINISTRATIVE RULES COORDINATOR</b> , Office of the	<b>VOLUME 8</b>
<b>IDAPA 02</b>	<b>AGRICULTURE</b> , Idaho Department of	<b>VOLUME 1</b>
<b>IDAPA 40</b>	<b>ARTS</b> , Idaho Commission on the	<b>VOLUME 8</b>
<b>IDAPA 03</b>	<b>ATHLETIC COMMISSION</b>	<b>VOLUME 1</b>
<b>IDAPA 04</b>	<b>ATTORNEY GENERAL</b> , Office of the	<b>VOLUME 1</b>
<b>IDAPA 53</b>	<b>BARLEY COMMISSION</b> , Idaho	<b>VOLUME 9</b>
<b>IDAPA 51</b>	<b>BEEF COUNCIL</b> , Idaho	<b>VOLUME 9</b>
<b>IDAPA 07</b>	<b>BUILDING SAFETY</b> , Division of Electrical Board Plumbing Board Building Code Advisory Board Public Works Contractors License Board	<b>VOLUME 1</b>
<b>IDAPA 43</b>	<b>CANOLA AND RAPESEED COMMISSION</b> , Idaho	<b>VOLUME 8</b>
<b>IDAPA 48</b>	<b>COMMERCE</b> , Idaho Department of	<b>VOLUME 8</b>
<b>IDAPA 06</b>	<b>CORRECTION</b> , Board of	<b>VOLUME 1</b>
<b>IDAPA 19</b>	<b>DENTISTRY</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 08</b>	<b>EDUCATION</b> , Board of	<b>VOLUME 2</b>
<b>IDAPA 10</b>	<b>ENGINEERS AND LAND SURVEYORS</b> , Board of Professional	<b>VOLUME 2</b>
<b>IDAPA 58</b>	<b>ENVIRONMENTAL QUALITY</b> , Department of	<b>VOLUME 9</b>
<b>IDAPA 12</b>	<b>FINANCE</b> , Department of	<b>VOLUME 2</b>
<b>IDAPA 13</b>	<b>FISH AND GAME</b> , Department of	<b>VOLUME 2</b>
<b>IDAPA 14</b>	<b>GEOLOGISTS</b> , Board of Registration of Professional	<b>VOLUME 2</b>
<b>IDAPA 15</b>	<b>GOVERNOR</b> , Office of the Idaho Commission on Aging Idaho Commission for the Blind Idaho Forest Products Commission Division of Human Resources and Personnel Commission Idaho Liquor Dispensary Emergency Response Commission	<b>VOLUME 3</b>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2001 ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 16</b>	<b>HEALTH AND WELFARE</b> , Department of	<b>VOLUMES 3, 4, &amp; 5</b>
<b>IDAPA 45</b>	<b>HUMAN RIGHTS COMMISSION</b>	<b>VOLUME 8</b>
<b>IDAPA 30</b>	<b>IDAHO STATE LIBRARY</b>	<b>VOLUME 7</b>
<b>IDAPA 11</b>	<b>IDAHO STATE POLICE</b> (Law Enforcement)	<b>VOLUME 2</b>
<b>IDAPA 17</b>	<b>INDUSTRIAL COMMISSION</b>	<b>VOLUME 5</b>
<b>IDAPA 18</b>	<b>INSURANCE</b> , Department of	<b>VOLUME 5</b>
<b>IDAPA 05</b>	<b>JUVENILE CORRECTIONS</b> , Department of	<b>VOLUME 1</b>
<b>IDAPA 09</b>	<b>LABOR</b> , Idaho Department of	<b>VOLUME 2</b>
<b>IDAPA 20</b>	<b>LANDS</b> , Department of	<b>VOLUME 6</b>
<b>IDAPA 52</b>	<b>LOTTERY COMMISSION</b> , Idaho State	<b>VOLUME 9</b>
<b>IDAPA 22</b>	<b>MEDICINE</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 23</b>	<b>NURSING</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 24</b>	<b>OCCUPATIONAL LICENSES</b> , Board of Board of Architectural Examiners Board of Barber Examiners Board of Chiropractic Physicians Board of Cosmetology Board of Environmental Health Specialist Examiners Board of Hearing Aid Dealers and Fitters Board of Landscape Architects Board of Morticians Board of Examiners of Nursing Home Administrators Board of Optometry Board of Podiatry Board of Psychologist Examiners Board of Social Work Examiners Idaho Counselor Board Board of Dentistry Board of Acupuncture Real Estate Appraiser Board Board of Residential Care Facility Administrators	<b>VOLUME 6</b>
<b>IDAPA 25</b>	<b>OUTFITTERS AND GUIDES LICENSING BOARD</b>	<b>VOLUME 6</b>
<b>IDAPA 50</b>	<b>PARDONS AND PAROLE</b> , Commission for	<b>VOLUME 9</b>
<b>IDAPA 26</b>	<b>PARKS AND RECREATION</b> , Department of	<b>VOLUME 6</b>
<b>IDAPA 59</b>	<b>PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO - PERSI</b>	<b>VOLUME 9</b>
<b>IDAPA 27</b>	<b>PHARMACY</b> , Board of	<b>VOLUME 6</b>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS AND THE 2001 ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 29</b>	<b>POTATO COMMISSION, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 31</b>	<b>PUBLIC UTILITIES COMMISSION</b>	<b>VOLUME 7</b>
<b>IDAPA 41</b>	<b>PUBLIC HEALTH DISTRICTS</b>	<b>VOLUME 8</b>
<b>IDAPA 33</b>	<b>REAL ESTATE COMMISSION</b>	<b>VOLUME 7</b>
<b>IDAPA 56</b>	<b>RANGELAND RESOURCES COMMISSION, Idaho</b>	<b>VOLUME 9</b>
<b>IDAPA 34</b>	<b>SECRETARY OF STATE, Office of the</b>	<b>VOLUME 7</b>
<b>IDAPA 49</b>	<b>SHORTHAND REPORTERS, Board of Certified</b>	<b>VOLUME 8</b>
<b>IDAPA 36</b>	<b>TAX APPEALS, Idaho Board of</b>	<b>VOLUME 7</b>
<b>IDAPA 35</b>	<b>TAX COMMISSION, State</b>	<b>VOLUME 7</b>
<b>IDAPA 39</b>	<b>TRANSPORTATION, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 54</b>	<b>TREASURER, Office of the State</b>	<b>VOLUME 9</b>
<b>IDAPA 21</b>	<b>VETERANS SERVICES, Division of</b>	
<b>IDAPA 46</b>	<b>VETERINARY MEDICAL EXAMINERS, Board of</b>	<b>VOLUME 8</b>
<b>IDAPA 55</b>	<b>VOCATIONAL AND TECHNICAL EDUCATION, Division of</b>	<b>VOLUME 9</b>
<b>IDAPA 47</b>	<b>VOCATIONAL REHABILITATION, Division of</b>	<b>VOLUME 8</b>
<b>IDAPA 37</b>	<b>WATER RESOURCES, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 42</b>	<b>WHEAT COMMISSION, Idaho</b>	<b>VOLUME 8</b>

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

#### DOCKET NO. 02-0403-0202

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 25-203, 25-207, 25-223, 25-305, 25-601, and [25-3704] 25-3504, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

This pending rule is being adopted to repeal Sections of IDAPA 02.04.03 that are being renumbered and moved to IDAPA 02.04.20 and 02.04.21 or repealed. The Department received no comments on the proposed rule and is not making any changes between the text of the proposed rule and the text of the pending rule.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in July 3, 2002 Idaho Administrative Bulletin, Volume 02-7, pages 62 through 64.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 12th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500  
(208) 334-4062 FAX

---

#### IDAPA 02, TITLE 04, Chapter 03

### RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 02-7, July 3, 2002, pages 62 through 64.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2003 Idaho State Legislature as a final rule.**

# IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

## 02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0204

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 25-203, 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 16, 2002.

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: This rule updates sections of IDAPA 02.04.03 and provides for the regulation of the poultry and ratite industries pursuant to the National Poultry Improvement Plan. It provides for certification, inspections, and record keeping.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Kendal Eyre or John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

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 23, 2002.

DATED this 12th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500 / (208) 334-4062 FAX

---

### THE FOLLOWING IS THE TEXT OF 02-0403-0204

#### 004. INCORPORATION BY REFERENCE.

01. ~~Title Of Incorporated Documents. The Department of Agriculture hereby~~ IDAPA 02.04.03  
incorporates by reference ~~and adopts as its own~~ the following documents: ~~(1-10-94)( )~~

a. The USDA Pseudorabies Eradication State-Federal-Industry Program Standards, January 1, 1993;  
~~as amended.~~ ~~(1-10-94)( )~~

b. National Poultry Improvement Plan Dated, March 2002. ( )

c. Title 9, Parts 145, 147, and 161, CFR, January 1, 2002. ( )

d. Official Idaho Protocol for Culture of Trichomoniasis, August 1, 2002. ( )

~~02. Location Availability Of Document. Copies of the standards are on file at the Division of Animal Industry offices located at 2270 Old Penitentiary Road, Boise, Idaho and through the Department of Administration, Office of the Rules Coordinator, located at 650 West State Street, Boise, Idaho 83720. Copies of these documents may be obtained from the Idaho State Department of Agriculture and the State Law Library. (1-10-94)( )~~

(BREAK IN CONTINUITY OF SECTIONS)

**010. DEFINITIONS.**

As used in these rules the following terms have the following meanings: (9-6-61)

~~071. Accredited Veterinarian. A veterinarian approved by the United States Department of Agriculture Administrator and USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions involved of State-Federal animal disease control programs. (9-6-61)( )~~

~~02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. ( )~~

~~03. Bureau. Bureau of Animal Industry, Department of Agriculture. (9-6-61)~~

~~024. Commissioner. Commissioner of Agriculture of the state of Idaho. (9-6-61)~~

~~045. Department. The Idaho State Department of Agriculture. (9-6-61)( )~~

~~046. Director. Director of Bureau of Animal Industry. (9-6-61)~~

~~07. Division Of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. ( )~~

~~08. Federal Animal Health Official. An employee of USDA/APHIS/VS who is authorized to perform animal health activities. ( )~~

~~069. Federal Inspector. Any inspector of the United States Agriculture Research Service, United States Department of Agriculture. (9-6-61)~~

~~0910. Federal Supervision. Under the supervision of an inspector of the United states Agriculture Research Service. (9-6-61)~~

~~121. Free Area. The counties, areas or districts not quarantined by the ~~Bureau~~ Division of Animal Industries for the specific contagious, infectious, or communicable animal diseases. (9-6-61)( )~~

~~12. Gamebirds. Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse, and guineas. ( )~~

~~13. Hatching Eggs. Fertilized eggs. ( )~~

~~104. Interstate Movement. Movements of livestock and poultry from this state into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into this state. (9-6-61)( )~~

~~145. Intrastate Movement. Movement of livestock and poultry from any county, area ~~of~~ or district, quarantined or otherwise, to another county, area or district, quarantined or otherwise, within the state. (9-6-61)( )~~

~~16. Poultry. Domesticated fowl, including chickens, turkeys, waterfowl, and gamebirds. ( )~~



~~17.~~ **Public Stockyards.** Stockyards where trading in livestock is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. ( )

~~138.~~ **Quarantined Area.** The counties, areas, or districts, portions thereof, quarantined by the ~~Bureau~~ Division of Animal Industries for specific contagious, infectious, or communicable animal diseases. ~~(9-6-61)~~( )

~~149.~~ **Quarantined.** Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (9-6-61)

~~15.~~ **Public Stockyards.** ~~Stockyards where trading in livestock is carried on, where yarding, feeding and watering places are provided by the stockyards and transportation companies and where livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals.~~ (9-6-61)

~~20.~~ **Ratites.** Large, non-flying birds such as ostriches, emus, cassowaries, rheas, etc. ( )

~~21.~~ **Registered Veterinarians.** Veterinarians registered with, and approved by, the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. ( )

~~22.~~ **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. ( )

~~0523.~~ **State Inspector.** A deputy veterinarian or livestock ~~inspector~~ investigator of the ~~Bureau~~ Division of Animal Industries. ~~(9-6-61)~~( )

~~0824.~~ **State Supervisors.** Under the supervision of a veterinarian or livestock inspector of the Bureau of Animal Industry of the state of Idaho. (9-6-61)

~~25.~~ **Waterfowl.** Domesticated fowl that normally swim such as ducks and geese. ( )

~~26.~~ **Wildfowl.** Wild gallinaceous fowl, turkeys, and waterfowl. ( )

**011. ABBREVIATIONS.**

~~01.~~ **APHIS.** Animal Plant Health Inspection Service. ( )

~~02.~~ **AVIC.** Area Veterinarian in Charge. ( )

~~03.~~ **CFR.** Code of Federal Regulations. ( )

~~04.~~ **NPIP.** National Poultry Improvement Plan. ( )

~~05.~~ **USDA.** United States Department of Agriculture. ( )

~~06.~~ **VS.** Veterinary Services. ( )

~~0142.~~ -- 014. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

~~186.~~ -- ~~189.~~ (RESERVED).

~~190.~~ **ACTINOMYCOSIS AND ACTINOBACILLOSIS (LUMP JAW).**

**01. Selling Diseased Animal.** It shall be unlawful for any person, firm or corporation, agent or employee thereof knowingly to sell, offer for sale, or in any manner to part with to another any animal infected or affected with the disease known as actinomycosis and actinobacillosis (lump jaw) if the disease shows well marked clinical symptoms, or is in the advanced stage, except for immediate slaughter, and then only in accordance with the meat inspection rules and regulations of the state and U.S. Department of Agriculture. (9-6-61)

**02. Quarantine.** Animals showing well marked clinical symptoms or in the advanced stage of actinomycosis and actinobacillosis (lump jaw) passing through sales yards shall be placed in quarantine pens and sold as outlined in Subsection 19086.01. (~~9-6-61~~)( )

**03. Milk.** Milk from animals affected with actinomycosis and actinobacillosis (lump jaw) shall not be used for food purposes. (9-6-61)

**04. Examination.** The fact of the infection with the disease known as actinomycosis and actinobacillosis (lump jaw) shall be determined by clinical examination made by state or federal veterinarians. (9-6-61)

**187. -- 189. (RESERVED).**

**190. POULTRY AND RATITES.**

Any person producing poultry or ratites for any of the following uses, is required to be in compliance with the NPIP program: ( )

**01. Sale Of Live Birds Or Hatching Eggs.** The sale of live birds or hatching eggs; or ( )

**02. Release Of Live Birds.** Release of live birds, such as hunting clubs, hunting preserves, or dog trials; or the release of live birds into the wild. ( )

**191. RECORD REQUIREMENTS.**

In addition to meeting the record keeping requirements of the NPIP program, all NPIP participants shall forward a copy of their annual flock qualification test results to the Division of Animal Industries within fifteen (15) days of the completion of testing. ( )

**192. INSPECTIONS.**

The premises where participants in the NPIP program raise poultry or ratites shall be inspected at least once each calendar year by state or federal animal health officials. ( )

**01. Scheduling Of Inspections.** State or federal animal health officials shall attempt to notify the NPIP participant prior to any inspection and shall schedule the annual inspections in advance with the NPIP participant. ( )

**02. Inspecting Records.** During normal business hours, state or federal animal health officials are authorized to inspect, review, and copy any poultry or ratite records deemed necessary to ensure compliance with these rules. State or federal animal health officials will attempt to notify the owner or operator of the premises where records are kept prior to inspecting records. ( )

**193. NPIP CERTIFICATES OF PARTICIPATION.**

During January of each year, the Division of Animal Industries will issue NPIP participation certificates to the owners of poultry and ratites that meet the following requirements: ( )

**01. Records.** Each NPIP participant must have on file records of their flock qualification testing; and ( )

**02. Inspection Forms.** Each NPIP participant shall have on file a copy of the annual inspection form from the previous year documenting compliance with the NPIP program. ( )

**194. -- 199. (RESERVED).**

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0205

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 25-203, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**October 8, 2002, 7:00 p.m.**  
**Nampa Civic Center**  
**311 Third Street South**  
**Nampa, Idaho**

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:

This rule updates and amends the rules relating to Trichomoniasis. It establishes timeframes and deadlines regarding Trichomoniasis testing and reporting.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. N/A

**NEGOTIATED RULEMAKING:** Informal negotiated rulemaking was conducted and this rule was developed with input from the Trichomoniasis Taskforce.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Kendal Eyre or John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

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 23, 2002.

DATED this 12th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500 / (208) 334-4062 FAX

---

#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0403-0205

#### **220. TRICHOMONIASIS CONTROL AND ERADICATION PROGRAM.**

The Trichomoniasis testing season shall begin on September 1 of each year and continue until August 31 of the succeeding year. All bulls within the state of Idaho shall be tested for Trichomoniasis by March 31 of each

Trichomoniasis testing season, except: ( )

**01. ~~Testing Requirements. Bulls In Public Grazing Allotments.~~** Bulls that are to be turned out on public grazing allotments shall be tested for Trichomoniasis by March 31 of each Trichomoniasis testing season or forty-five (45) days prior to turnout on a public grazing allotment, which ever occurs first. (7-1-94)( )

~~a. All bulls within the state of Idaho shall be tested annually for Trichomoniasis unless exempted as provided in Subsections 220.02.a. through 220.02.d. (7-1-94)~~

~~b. Test samples shall be collected by veterinarians registered to sample bulls for trichomoniasis. Official testing shall be performed by approved veterinarians or technicians in approved laboratories. Such tests shall be conducted annually between breeding seasons and shall be completed at least forty five (45) days prior to public land turnout dates. (12-10-84)~~

~~c. Bulls so tested shall be permanently identified by an official trichomoniasis bangle tag and the identification recorded on a Trichomoniasis Test and Report Form. (7-1-94)~~

~~d. Bulls running with cows year round shall be tested between January 1 and April 15 yearly, and shall meet the testing requirements in Subsections 220.01.b. and 220.01.c. (7-1-94)~~

~~e. Bulls presented for sale at Idaho saleyards, shows, special sales, or by private contract shall be accompanied by a certificate of negative herd test, or be returned to home premise for official testing, be sold directly to slaughter without test, or be tested as in Subsection 220.01.f. (7-1-94)~~

~~f. Bulls that are not accompanied by a certificate of negative test and are diverted from non-breeding to breeding channels shall move on an official Hold Order issued by the saleyard veterinarian and shall have three (3) consecutive negative Trich culture tests or other approved tests to be eligible to receive a Certificate of Negative Test. (7-1-94)~~

~~g. For sale purposes the negative test on breeding bulls shall be valid for up to ninety (90) days so long as the bull(s) has had no contact with female cattle from the time of test to the time of sale. Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. (7-1-94)~~

**02. ~~Exemptions To Testing. Virgin Bulls.~~** All bulls, twenty-four (24) months of age or less, which have never serviced a cow shall be exempt from the Trichomoniasis testing requirements. (12-10-84)( )

~~a. All yearling and two (2) year old bulls who have not serviced a cow shall be exempt from testing requirements. Such bulls shall be identified by an official trichomoniasis bangle tag and the identification recorded on a Trichomoniasis Test and Report Form. If sold, such bulls shall be accompanied by a certificate signed by the owner attesting that the animals are virgin bulls. Such bulls shall be identified by a registered veterinarian with an official Trichomoniasis bangle tag of the correct color for the current testing season and the identification recorded on a Trichomoniasis Test and Report Form. (3-20-97)( )~~

~~b. All dairy bulls in total confinement operations shall be exempt from testing requirements. If sold, such bulls shall be accompanied by a certificate signed by the owner or his representative attesting that the animals are virgin bulls. (12-10-84)( )~~

~~c. Testing is not required on bulls consigned directly to slaughter at an approved slaughter facility and bulls consigned directly to approved feedlots or designated trichomoniasis feedlots for finish feeding for slaughter. (7-1-94)~~

~~d. The annual test of all bulls for trichomoniasis shall not be required in the area of the state north of Riggins, Idaho. This exemption does not apply to the sale and purchase of non-virgin breeding bulls, nor does it apply to bulls imported into the state for breeding purposes. (7-1-94)~~

~~e. This amendment to Subsection 220.02.a. will confer a benefit to the cattle industry by strengthening the trichomoniasis eradication and control program. (3-20-97)~~

**03. Infected Herds. Dairy Bulls.** All dairy bulls in dry lot operations shall be exempt from the Trichomoniasis testing requirements. Dairy bulls that are pastured or grazed must meet the Trichomoniasis testing requirements. (12-10-84)(\_\_\_\_)

~~**a.** A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected and shall be issued a Hold Order by the veterinarian conducting the test who shall report to the state within forty-eight (48) hours that the test was positive. (12-10-84)~~

~~**b.** Bulls in infected herds shall be tested three (3) times before the hold order can be released. Bulls that have three (3) consecutive negative tests shall be considered negative to trichomoniasis and can be so certified. Any bull(s) that is positive to a trichomoniasis test shall be considered infected and shall be consigned to slaughter as provided in Subsection 220.03.e. or treated as provided in Subsection 220.03.f. (7-1-94)~~

~~**c.** Re-tests of bulls in infected herds shall be at least seven (7) days apart. (12-10-84)~~

~~**d.** It is recommended in infected herds that the cow herd be pregnancy tested or have a reproductive tract examination to help clear the disease from the herd as quickly as possible. (12-10-94)~~

~~**e.** Individual infected bulls being removed from ranches of origin for sale shall move to markets or packing plants on a VS-1-27 form issued by the veterinarian conducting the test or by other regulatory officials. (7-1-94)~~

~~**f.** Infected bulls which are being held on ranches of origin for treatment shall be issued an individual quarantine by the veterinarian conducting the test, identifying the bull by official trichomoniasis bangle tag. If the bull passes three (3) consecutive negative tests, after treatment, the quarantine shall be released and the bull shall be eligible for a certificate of a negative test. (7-1-94)~~

~~**g.** All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official trichomoniasis bangle tag and the tag number and status of the bull shall be recorded on an official trichomoniasis test and report form. (3-20-97)~~

**04. Official Tests. Bulls Consigned To Slaughter Or To An Approved Feedlot.** Bulls consigned directly to slaughter at an approved slaughter establishment or to an approved feedlot for finish feeding for slaughter are exempt from testing requirements. (12-10-84)(\_\_\_\_)

~~**a.** Official culture tests. An official test is one in which the sample is received in the testing laboratory, in good condition, within forty-eight (48) hours of collection and such sample is tested according to authorized testing protocol. Samples for culture shall be protected from freezing or excessive heat. Samples in transit for more than forty-eight (48) hours will not be accepted for official testing and shall be discarded. Samples which have been frozen or exposed to high temperatures shall also be discarded. (12-10-84)~~

~~**b.** Other official tests. Other official tests for trichomoniasis will be approved by the Division of Animal Industries after the tests have been proved effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the tests has been established. (12-10-84)~~

~~**c.** Veterinarians wishing to officially test for Trichomoniasis within the state of Idaho shall be registered with the Division of Animal Industries. (12-10-84)~~

~~**d.** Such veterinarian shall only utilize approved laboratories for culture of specimens and shall attend a continuing education seminar on Trichomoniasis and proper collection techniques. (12-10-84)~~

**05. Official Laboratories. Bulls In Northern Idaho.** Bulls located in the area of Idaho north of the Salmon River are exempt from the annual testing requirement. This exemption does not apply to the sale and purchase of non-virgin breeding bulls, nor does it apply to bulls imported into the state for breeding purposes. (12-10-84)(\_\_\_\_)

~~**a.** Laboratories wishing to be recognized by the Division of Animal Industries as approved labs shall apply for approval. In order to qualify, said laboratories shall adopt methods titled "Official Idaho Protocol for Culture of Trichomoniasis"; shall have adequate equipment and personnel; and shall pass a yearly check test administered by the Idaho Bureau of Animal Health Laboratories. (12-10-84)~~

~~**b.** All rules adopted to control Trichomoniasis within the state of Idaho shall be reviewed annually during the month of September by the Trichomoniasis Task Force and either reapproved or modified to fit the Trich situation existing at that time. (12-10-84)~~

~~**c.** Imported bulls shall be required to meet the requirements of Subsections 220.01.a. through 220.01.g. The certificate on which the bulls are imported shall contain a statement that "Trichomoniasis has not been diagnosed in the herd of origin". (7-1-94)~~

~~**d.** Out of state grazing cattle entering Idaho shall be required to meet the requirements of Subsections 220.01.a. through 220.01.g. (12-10-84)~~

**221. TRICHOMONIASIS TESTING IDENTIFICATION.**

The Division of Animal Industries shall determine the color of the official Trichomoniasis bangle tags to be used for each Trichomoniasis testing season. All bulls tested for Trichomoniasis shall be identified by an official Trichomoniasis bangle tag of the correct color for the current testing season and the identification recorded on a Trichomoniasis Test and Report Form. ( )

**222. BULLS FOR SALE.**

Bulls presented for sale at specifically approved livestock markets, shows, special sales, or by private contract in Idaho shall be accompanied by a certificate of negative test and a statement signed by the owner certifying "Trichomoniasis has not been diagnosed in the herd of origin"; or ( )

**01. Returned To Home Premises.** Such bulls shall be returned to home premise for official testing; or ( )

**02. Sold Directly To Slaughter.** Such bulls shall be sold directly to slaughter at an approved slaughter establishment, an Idaho approved feedlot, as defined in IDAPA 02.04.20, "Rules Governing Brucellosis," or a rodeo producer without test; or ( )

**03. Placed Under A Hold Order.** Such bulls shall be placed under Hold Order by the livestock market veterinarian or a private veterinarian and shall have three (3) consecutive negative Trichomoniasis culture tests. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test; or ( )

**04. Virgin Bulls.** Virgin bulls, twenty-four (24) months of age or less, which have never serviced a cow shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season.( )

**05. Period Of Validity.** For resident breeding bulls sold in Idaho, the negative test shall be valid for up to ninety (90) days provided the bull(s) has had no contact with female cattle from the time of test to the time of sale. ( )

**06. Contact With Female Cattle.** Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. ( )

**223. IMPORTED BULLS.**

**01. Non-Virgin Bulls.** Bulls imported into the state of Idaho shall be negative to a Trichomoniasis culture test within thirty (30) days prior to import and shall have had no contact with female cattle from the time of test to the time of import. ( )

**a.** The certificate of veterinary inspection upon which the bulls are imported shall contain a statement that "Trichomoniasis has not been diagnosed in the herd of origin." ( )

**b.** Upon arrival at their destination in Idaho, all imported bulls shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season, except imported dairy bulls that will be in a dry lot operation are not required to be identified with an official Trichomoniasis tag upon arrival at their destination. ( )

**02. Virgin Bulls.** Bulls twenty-four (24) months of age or less that have never serviced a cow are not required to be Trichomoniasis tested prior to import into Idaho, provided that: ( )

**a.** Such bulls shall be accompanied by a certificate signed by the owner or the owner's representative attesting that the animals are virgin bulls and have never serviced a cow; and ( )

**b.** Upon arrival at their destination in Idaho, such bulls shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season. ( )

**03. Bulls for Grazing.** Bulls that are entering Idaho for grazing purposes shall meet the Trichomoniasis test requirements of Section 220. A copy of the certificate of negative Trichomoniasis test shall accompany the grazing permit application. ( )

**224. PUBLIC GRAZING.**

All bulls that are turned out on public grazing allotments shall be certified and identified as virgin bulls, or tested negative for Trichomoniasis at least forty-five (45) days prior to the turnout date, or before March 31 of each testing season, which ever occurs first. ( )

**01. Grazing Associations.** All bulls that are in a public grazing association or run in common on an allotment shall be considered part of one (1) herd. ( )

**02. Positive Tests.** If any bull owned by any of the producers in a grazing association or allotment tests positive on a Trichomoniasis test, the rest of the producers in the association or allotment shall be considered part of an infected bull herd and handled in accordance with Section 225. ( )

**225. INFECTED BULLS AND HERDS.**

Any bull or cow that is positive to a Trichomoniasis culture test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected. ( )

**01. Quarantine Of Infected Herds.** Any veterinarian that discovers an infected herd shall immediately place the herd under a hold order, and notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. Upon notification of an infected Trichomoniasis herd, a state or federal animal health official shall conduct an epidemiological investigation of the infected herd and issue a quarantine. ( )

**02. Exposed Herds.** Herds identified as exposed through an epidemiological investigation shall be placed under a hold order. ( )

**a.** Bulls in exposed herds shall be tested as determined by the Trichomoniasis epidemiologist. ( )

**b.** All bulls tested in exposed herds and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. ( )

**03. Testing Of Infected Herds.** Bulls in infected herds shall be tested negative for Trichomoniasis three (3) consecutive times before the quarantine can be released. Each of the tests shall be at least seven (7) days apart. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test. ( )

**a.** All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color

for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. ( )

**b.** Bulls that have three (3) consecutive negative Trichomoniasis culture tests conducted at least seven (7) days apart shall be considered negative to Trichomoniasis and can be so certified. ( )

**226. MOVEMENT OF INFECTED ANIMALS.**

All infected bulls and cows shall be consigned to slaughter at an approved slaughter establishment or consigned to a specifically approved livestock market for sale to an approved slaughter establishment and shall remain under quarantine until moved to slaughter. All infected bulls and cows being moved from the premise of origin to a specifically approved livestock market for sale to slaughter, or directly to an approved slaughter establishment for slaughter, shall move on a VS 1-27 form issued by an accredited veterinarian or a state or federal animal health official. ( )

**01. Slaughter Within Thirty Days.** All infected bulls and cows shall be moved to slaughter within thirty (30) days of the issuance of the quarantine. All infected bulls and cows shall be kept separate and apart from cattle or domestic bison of the opposite sex. The infected bulls and cows will remain under quarantine until moved to slaughter. ( )

**02. Exceptions.** The Division of Animal Industries may grant an extension of time after the owner submits a written request for extension of time for movement to slaughter to the Division of Animal Industries. ( )

**03. Contents Of Request For Extension Of Time.** The written request shall outline the reasons for the extension request and the length of extended time being requested. The total length of time an individual infected bull may remain under quarantine before being required to move to slaughter, including any and all requested extensions, shall not exceed ninety (90) days. ( )

**227. TREATMENT OF INFECTED BULLS.**

There are no treatments for Trichomoniasis approved for use in Idaho or the United States. ( )

**228. OFFICIAL LABORATORIES.**

Only laboratories approved by the Division of Animal Industries as official laboratories shall test official Trichomoniasis samples. ( )

**01. Protocols.** Official laboratories shall operate in accordance with the "Official Idaho Protocol for Culture of Trichomoniasis". ( )

**02. Check Test.** Official laboratories shall pass an annual check test administered by the Division of Animal Industries. ( )

**229. OFFICIAL TRICHOMONIASIS TESTS.**

**01. Official Culture Tests.** An official test is one in which the sample is received in the official laboratory, in good condition, within forty-eight (48) hours of collection and such sample is tested according to the "Official Idaho Protocol for Culture of Trichomoniasis". Samples in transit for more than forty-eight (48) hours will not be accepted for official testing and shall be discarded. Samples, which have been frozen or exposed to high temperatures, shall also be discarded. ( )

**02. Other Official Tests.** Other tests for Trichomoniasis may be approved by the Division of Animal Industries, as official tests, after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established. ( )

**230. REGISTERED VETERINARIANS.**

Only veterinarians registered with the Division of Animal Industries shall collect samples for official tests for Trichomoniasis within the state of Idaho. ( )



**01. Use Of Official Laboratories.** Registered veterinarians shall only utilize official laboratories for culture of Trichomoniasis samples. ( )

**02. Education Requirements.** All veterinarians shall attend an educational seminar on Trichomoniasis and proper sample collection techniques, conducted by the Division of animal Industries, prior to being granted registered status. ( )

**231. REPORTING OF TEST RESULTS AND OFFICIAL IDENTIFICATION.**

Registered veterinarians shall submit results of all Trichomoniasis tests and all official identification on official Trichomoniasis test and report forms to the Division of Animal Industries within five (5) business days of: ( )

**01. Receiving Results.** Receiving Trichomoniasis results from an official laboratory; or ( )

**02. Identifying Virgin Bulls.** Identifying virgin bulls with official Trichomoniasis bangle tags. ( )

**232. RODEO BULLS.**

Bulls currently in a rodeo string, bulls purchased under the feedlot exemption at a specifically approved livestock market, bulls purchased by private treaty, and bulls purchased in other states and imported into Idaho for rodeo purposes are exempt from Trichomoniasis testing under the following conditions: ( )

**01. Division Approval.** The owner of the rodeo bulls has completed and submitted an application to the Division of Animal Industries, which the Division has approved; and ( )

**02. Not Mixed With Cows.** The rodeo bulls are confined to a dry lot and not mixed with cows or used for breeding purposes; and ( )

**03. Permanently Identified.** All bulls in the rodeo string are permanently identified with official eartags or unique numbers hot iron branded on the animal; and ( )

**04. Records Maintained.** The identification numbers are maintained in a permanent record file at the owner's premises and a copy of the record will be provided to the Division of Animal Industries upon request; and ( )

**05. Bulls Purchased.** Bulls purchased for addition to the rodeo string shall meet all other health requirements. Purchased bulls shall be immediately identified as specified in Subsection 232.03 of this rule. Official backtag and ear tag numbers on the bull at time of purchase shall be correlated to the permanent identification in the permanent record; and ( )

**06. Bulls Removed For Slaughter.** Removal of bulls to slaughter is documented in the permanent record file; and ( )

**07. Bulls Removed For Breeding Purposes.** Bulls that are removed from the rodeo string for breeding purposes shall be tested negative to Brucellosis, Tuberculosis, and undergo three (3) consecutive negative cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test. ( )

**233. FEEDING BULLS OF UNKNOWN TRICHOMONIASIS STATUS.**

Bulls of unknown Trichomoniasis status may be fed for slaughter in an Idaho approved feedlot where the bulls are isolated from all female cattle. ( )

**01. Removal Of Untested Bulls.** Untested bulls shall be sold directly to slaughter at an approved slaughter establishment. ( )

**02. Removal Of Bulls For Breeding Purposes.** Bulls that are removed for breeding purposes shall be tested negative to Brucellosis, Tuberculosis, and undergo three (3) consecutive negative cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test. ( )

~~227~~34. -- 349. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

406. -- ~~998~~9. (RESERVED).

**990. PENALTIES.**

Penalties for violations of this chapter shall be assessed in accordance with Title 25, Chapters 2, 3, 6, and 37, Idaho Code. ( )

~~991~~. -- 999. (RESERVED).

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT**  
**DOCKET NO. 02-0416-0201**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rules is November 1, 2002.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-3802, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**October 10, 2002, at 7 p.m.**  
**College of Southern Idaho**  
**Shields 1, Room 118**  
**315 Falls Ave, Twin Falls, ID 83301**

The hearing site 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 temporary and proposed rulemaking:

This rule amends 02.04.16, "Rules Governing Agriculture Odor Management" by providing new definitions, by revising requirements and procedures for design and construction for liquid waste systems.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: This rule is necessary to protect the public health, safety or welfare; confers a benefit and implements amendments to the rule due to HB 726 which was passed by the 2002 legislature.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was conducted with an advisory committee comprised of persons with an interest in odor management. During the negotiated rulemaking process the Odor Rules Advisory Committee decided to, publish temporary rules until such time as the Odor Rules Advisory Technical Committee can develop scientific criteria for odor determinations and thresholds.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Marv Patten, Idaho Department of Agriculture, at (208) 332-8550.

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 23, 2002.

DATED this 12th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790  
Boise, Idaho 83701-0790  
(208) 332-8500  
(208) 334-4062 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0416-0201

**010. DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this chapter. (3-15-02)

**01. Accepted Agricultural Practices.** Those management practices normally associated with agriculture in Idaho, including but not limited to those practices identified in Section 100 of these rules, and which include management practices intended to control odor generated by an agricultural operation. ~~(3-15-02)~~(11-1-02)T

**02. Agricultural Animals.** Those animals, including but not limited to mink, domestic cervidae, horses, and ratites raised for agricultural purposes. (3-15-02)

**03. Agricultural Operation.** Those operations where livestock or other agricultural animals are raised, or crops are grown, for commercial purposes, not to include those operations set forth within Section 25-3801(2), Idaho Code. ~~(3-15-02)~~(11-1-02)T

**04. Animal.** Livestock and agricultural animals. (11-1-02)T

**05. BAT.** The best application of science that is accessible and obtainable to achieve a desired objective. (11-1-02)T

**046. Best Management Practices.** Practices, techniques, or measures that are determined by the Department to be a cost-effective and practicable means of managing odor generated on an agriculture operation to a level associated with accepted agriculture practices. (3-15-02)

**057. Compost.** A biologically stable material derived from the biological decomposition of organic matter. (3-15-02)

**068. Composting.** The aerobic degradation of manure and other organic material to a biologically stable form. (3-15-02)

**079. Beef Cattle.** All cattle except those located on a dairy farm that has been permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste". (3-15-02)

**0810. Beef Cattle Animal Feeding Operation.** Those operations regulated pursuant to IDAPA 02.04.15, "Rules of the Department of Agriculture Regulating Beef Cattle Animal Feeding Operations". (3-15-02)

**0911. Department.** The Idaho State Department of Agriculture. (3-15-02)

**102. Director.** The Director of the Idaho State Department of Agriculture. (3-15-02)

**113. Land Application.** The spreading on, or incorporation into the soil of agricultural by-products including, but not limited to, manure, wastewater, compost, cull potatoes, cull onions, or crop residues. (3-15-02)

**124. Large Swine And Poultry Operations.** Those swine and poultry operations regulated pursuant to IDAPA 58.01.09, "Rules Regulating Swine and Poultry Facilities". (3-15-02)

**135. Livestock.** Cattle, sheep, swine and poultry. (3-15-02)

**146. Liquid-Solid Separation.** The removal of solid manure from water through mechanical or settling means. (3-15-02)

**157. Liquid Waste System.** Wastewater storage and containment facilities and associated waste

collection and conveyance systems where water is used as the primary carrier of manure and manure is added to the wastewater storage and containment facilities on a regular basis including the final distribution system.

~~(3-15-02)~~(11-1-02)T

**168. Manure.** Livestock Animal excrement that may also contain bedding, spilled feed, or soil.

~~(3-15-02)~~(11-1-02)T

**179. Modified.** Structural changes and alterations to ~~a livestock~~ agricultural operations which would require increased wastewater storage or containment capacity or such changes which would increase the amount of manure entering wastewater storage and containment facilities.

~~(3-15-02)~~(11-1-02)T

**1820. Nutrient Management Plan.** A plan prepared in conformance with the nutrient management standard.

(3-15-02)

**1921. Nutrient Management Standard.** The 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code 590, or other equally protective standard approved by the Director.

(3-15-02)

**202. Odor.** The property or quality of a substance that stimulates or is perceived by the sense of smell, the standards for which shall be judged on criteria that shall include intensity, duration, frequency, offensiveness, and health risks.

~~(3-15-02)~~(11-1-02)T

**213. Odor Management Plan.** A site-specific plan approved by the Director to manage odor generated on an agricultural operation to a level associated with accepted agricultural practices by utilizing best management practices.

(3-15-02)

**224. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, private corporation, or any legal entity, which is recognized by law as the subject of rights and duties.

(3-15-02)

**235. Waste Collection and Conveyance Systems.** The areas and systems used in the collection and transfer of manure from the point of generation to the wastewater storage and containment facilities, prior to land application.

(3-15-02)

**246. Wastewater.** Water containing manure, which is generated on a livestock operation.

(3-15-02)

**257. Wastewater Storage and Containment Facilities.** Wastewater storage ponds, wastewater treatment lagoons, and evaporative ponds.

(3-15-02)

**268. Wastewater Treatment.** A process by which wastewater is treated through aerobic or anaerobic degradation or other means.

(3-15-02)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. LIQUID WASTE SYSTEMS.**

No person shall begin construction of a new or modified liquid waste system prior to approval of such system by the Director.

(3-15-02)

**01. Department Review.** Department engineering staff shall provide to the Director a review and assessment of all new or modified liquid waste systems for his consideration prior to final approval of such systems by the Director. The Director may order the construction to cease if the construction of a new or modified liquid waste system has commenced prior to the Director's approval.

~~(3-15-02)~~(11-1-02)T

**02. Design Requirements.** All new or modified liquid waste systems shall be designed by, ~~or reviewed~~

~~and approved by~~ licensed professional engineers. ~~All new or modified liquid waste systems shall be~~ approved by the Director in writing, and constructed in accordance with standards and specifications approved by the Director for management of odors. (3-15-02)(11-1-02)T

**a.** If construction is commenced prior to the Director's written approval, the Director may order construction activities to be ceased. (11-1-02)T

**b.** No material deviation shall be made from the approved plans and specifications without the prior written approval of the director. (11-1-02)T

**c.** Within thirty (30) days of completion of construction, alteration or modification of any new or modified liquid waste system, complete and accurate plans and specifications depicting the actual construction, alteration, or modification performed must be submitted by the operator to the Director. (11-1-02)T

**d.** If construction does not materially deviate from the plans approved by the Director, a statement to that effect shall be filed by the agricultural operation with the Director. (11-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. ODOR MANAGEMENT PLANS.**

OMP's shall be designed to work in conjunction with any required NMP and shall be submitted to the Director in writing. Upon approval by the Director, the Director and either the owner or operator of the agricultural operation shall sign the OMP. (3-15-02)

**01. OMP Development.** Within sixty (60) days of receiving a NOV for a first time violation, the owner or operator of the agriculture operation receiving the NOV shall submit to the Director an OMP for approval. (3-15-02)

**02. Interim Measures.** The Department shall work with the owner or operator of an agriculture operation that has received a NOV for a first time violation to identify interim measures that can be implemented in a timely manner to begin the process of reducing odors while the OMP is being developed. (3-15-02)

**03. Department Approval.** The Director shall approve, reject, or request additional information within thirty (30) days of receiving an OMP from the owner or operator of an agricultural operation deemed to have committed a first time violation. The approval, rejection, or request for additional information shall be provided to the owner or operator of the agricultural operation in writing. (3-15-02)

**a.** If the Director rejects an OMP or requests additional information, the owner or operator of the agricultural operation shall submit to the Director the additional information or a rewritten OMP that address the reasons for the rejection within thirty (30) days of receiving written notification from the Director. (3-15-02)

**b.** Within fifteen (15) days of receiving the additional information or a rewritten OMP, the Director shall approve or reject the OMP. If the OMP is rejected, the Director may issue a subsequent violation under Section 701 and assess the penalty provisions specified in Section 900 of these rules. (3-15-02)

**c.** The Director may, on a case by case basis, grant extensions to the deadlines contained in Section 500. (3-15-02)

**04. Implementation.** OMP's shall be implemented as approved by the Director. (3-15-02)

**05. Review Of OMP.** The Department shall review OMP's no less than annually for three (3) years after the Director approves the OMP. If the Department determines an approved OMP has not reduced odors to a level associated with accepted agricultural practices after a reasonable period of time, as determined by the Department, the Department shall review the OMP with the owner or operator of the agricultural operation and adjust the OMP to

meet the goals of the Agriculture Odor Management Act. (3-15-02)

~~06. Odor Emissions Caused By An Act Of God. Odor emissions caused by an act of God or a mechanical failure shall not constitute a violation, provided that the agricultural operation takes reasonable steps to promptly repair the cause of the emission. (3-15-02)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**602. RESPONSE TO COMPLAINTS.**

The response of the Department may be limited to informing the complainant that an odor management plan is being developed or implemented. ~~(3-15-02)~~(11-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**702. ODOR EMISSIONS CAUSED BY AN ACT OF GOD.**

Odor emissions caused by an act of God or a mechanical failure shall not constitute a violation, provided that the agricultural operation takes reasonable steps to promptly repair the cause of the emission. This provision is applicable whether or not an agricultural operation is required to have an OMP. (11-1-02)T

~~7023.~~ -- 899. (RESERVED).

**900. PENALTIES.**

Agricultural operations determined by the Department to have committed a subsequent violation of these rules shall be assessed a civil penalty by the Department or its duly authorized agent not to exceed ten thousand dollars (\$10,000) for each offense and be liable for reasonable costs and attorney's fees. (3-15-02)

**01. Assessment Of Civil Penalty.** Assessment of a civil penalty may be made in conjunction with any other Department administrative action. No civil penalty may be imposed unless the person charged was given notice and opportunity for a hearing pursuant to Title 67, Chapter 52, Idaho Code. (3-15-02)

**02. Inability To Collect Civil Penalty.** If the Department is unable to collect the civil penalty or if any person fails to pay all or a set portion of a civil penalty as determined by the Department, the Department may recover such amount by action in the appropriate district court. (3-15-02)

**03. Appeal Of Civil Penalty.** Any person against whom the Department has assessed a civil penalty may, within thirty (30) days of the final action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the Department to have occurred. (3-15-02)

**04. Computation Of Monetary Penalties.** The imposition or computation of monetary penalties shall take into account the seriousness of the violation, ~~good faith efforts to comply with the law, the economic impact of the penalty on the violator,~~ and such other matters as justice requires. ~~(3-15-02)~~(11-1-02)T

**05. Reports For Basis Of Penalty.** The Director shall prepare a written report setting forth the basis upon which any monetary penalty is imposed and/or computed and shall retain the report on file with the Department. (11-1-02)T

**056. Moneys Collected From Violations.** Moneys collected for violations of these rules shall be deposited in the state treasury and credited to the General Fund. (3-15-02)

## **IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**

### **02.04.20 - RULES GOVERNING BRUCELLOSIS**

**DOCKET NO. 02-0420-0201**

#### **NOTICE OF RULEMAKING**

#### **PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is August 15, 2002. The pending rule has been adopted by the agency and is now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 25-203, 25-207, 25-223, 25-601, and [25-3704] 25-3504, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The proposed rules have been amended in response to testimony received at public hearings, public comments, and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Sections 67-5224 and 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions that have been made to the proposed rule.

This pending rule adds Section 105, Livestock Market Release; and amends the following Sections: 004, Incorporation by Reference; 101, Official Vaccination; 103, Official Identification of Cattle and Domestic Bison; and 250, Content of Records For Approved Feedlots.

Only the Sections that have amendments are printed in this bulletin. The original text of the proposed rule was published in the July 3, 2002 Idaho Administrative Bulletin, Volume 02-7, pages 65 through 81.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule or temporary rule, contact Dr. Bob Hillman or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 12th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500 / (208) 334-4062 FAX

---

**IDAPA 02, TITLE 04, Chapter 20**

**RULES GOVERNING BRUCELLOSIS**



There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 02-7, July 3, 2002, pages 65 through 81.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2003 Idaho State Legislature as a final rule.

---

**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0420-0201**

***SUBSECTION 004.04***

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office and the State Law Library: (7-1-02)T

04. The Code of Federal Regulations Title 9, ~~Subchapter C~~ **Parts 71, 78, and 161, January 1, 2002.** (~~7-1-02~~)F(8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

***SUBSECTION 101.03***

**101. OFFICIAL VACCINATION.**

Female cattle and domestic bison may be officially vaccinated through one of the following methods: (7-1-02)T

**03. Approval For Adult Vaccination.** Owners, accredited veterinarians representing owners, or accredited veterinarians authorized to perform services for specifically approved livestock markets who desire to have female cattle or domestic bison, which are over three hundred sixty-five (365) days of age vaccinated shall request approval from the administrator. The administrator may grant or deny the request to adult vaccinate the cattle based upon origin, history, age, pregnancy status and the potential of the cattle or domestic bison to spread other diseases of concern, such as tuberculosis or trichomoniasis. Approval or denial of the request to adult vaccinate the cattle shall be made within seven (7) working days of the date of the request. (~~7-1-02~~)F(8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

***SUBSECTIONS 103.01.a. AND 103.02.a.***

**103. OFFICIAL IDENTIFICATION OF CATTLE AND DOMESTIC BISON.**

**01. Official Calfhoo Vaccinates.** Official calfhoo vaccinates shall be permanently identified as vaccinates by tattoo and official vaccination eartag. (7-1-02)T

**a.** Vaccination tattoos shall be applied to the right ear. The tattoo shall start with the letter "R", followed by the U.S. registered "shield and "V", followed by a number corresponding to the last digit of the year in which the vaccination was done. (~~7-1-02~~)F(8-15-02)T

**02. Official Adult Vaccinates.** Official adult vaccinates shall be permanently identified as vaccinates by tattoo and by official identification eartag. Animals that have previously been officially identified as vaccinates shall have the prior official identification recorded on a vaccination certificate or test chart in lieu of the identification provided for in this subsection. (7-1-02)T

**a.** Vaccination tattoos shall be applied to the right ear. The tattoo shall start with the letter "RM", followed by the ~~letters~~ U.S. registered "Ashield and V", followed by a number corresponding to the last digit of the year in which the vaccination was done. (~~7-1-02~~)F(8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**105. LIVESTOCK MARKET RELEASE.**

The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all livestock and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market. (8-15-02)T

**105~~6~~. -- 119. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 250 AND SUBSECTIONS 250.01, 250.02, AND 250.03**

**250. CONTENT OF RECORDS FOR APPROVED FEEDLOTS.**

All approved feedlots shall keep accurate and complete records of all cattle and domestic bison ~~that enter the~~ approved feedlot. These records shall readily show: (~~7-1-02~~)F(8-15-02)T

**01. Animals Received.** The number, species, age, sex, brand, origin, date of entry, individual identification when required, and final disposition of all cattle and domestic bison received at the feedlot; and (~~7-1-02~~)F(8-15-02)T

**02. Animals Removed From Feedlot.** The date of removal or sale, and destination of any animals removed; and (~~7-1-02~~)F(8-15-02)T

**03. Death Loss.** Cattle and domestic bison losses by accident, disease or death shall be accurately recorded; and (~~7-1-02~~)F(8-15-02)T

**04. Requirements.** That all applicable permit, test, examination, identification, and vaccination requirements have been met. (7-1-02)T

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**DOCKET NO. 02-0421-0201**  
**NOTICE OF RULEMAKING**  
**PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is August 15, 2002. The pending rule has been adopted by the agency and is now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 25-203, 25-207, 25-223, 25-305, 25-601, and [25-3704] 25-3504, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for any change.

The proposed rules have been amended in response to public comments, and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Sections 67-5224 and 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions that have been made to the proposed rule.

This pending rule adds Sections 111, Additional Import Requirements; 401, Brucellosis Requirements; 402, Pseudorabies Requirements; and 607, From Certified CWD Free Herd; the pending rule amends the following Sections: 004, Incorporation by Reference; 050, Requirements of Title 9, Parts 71, 75, 77, 78, 85, 145, 147, and 161, CFR; 051, Post Entry Inspections; 100, Certificates or Permit Required; 107, Animals Exposed to Disease or Originating in a Quarantined Area; 110, General Duties of Carriers; 200, Importation of Cattle into Idaho; 201, When Permits are Required for Cattle; 210, Brucellosis Vaccination Requirements; 240, Tuberculosis; 260, Trichomoniasis; 290, Domestic Bison; 400, Importation of Swine; 600, Importation of Domestic Cervidae; 601, Testing Requirements; 602, Individual Identification; 603, Destination; 702, Poultry Hatching Eggs; 704, Ratite Hatching Eggs; and 706, Wildfowl Hatching Eggs.

Only the Sections that have amendments are printed in this bulletin. The original text of the proposed rule was published in the July 3, 2002 Idaho Administrative Bulletin, Volume 02-7, pages 82 through 98.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule or temporary rule, contact Dr. Bob Hillman or John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

DATED this 12th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790  
Boise, Idaho 83701-0790  
(208) 332-8500  
(208) 334-4062 FAX

IDAPA 02, TITLE 04, Chapter 21

RULES GOVERNING THE IMPORTATION OF ANIMALS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 02-7, July 3, 2002, pages 82 through 98.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2003 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0421-0201

*SUBSECTIONS 004.04 AND 004.06*

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. IDAPA 02.04.20 incorporates by reference: (7-1-02)T

**04.** The Code of Federal Regulations Title 9, ~~Subchapter C~~ Parts 71, 75, 77, 78, 85, 145, 147, and 161, January 1, 2002. (7-1-02)F(8-15-02)T

~~06. The Code of Federal Regulations, Title 9, Part 161, January 1, 2002.~~ (7-1-02)F

~~076.~~ The January 1, 1993 Edition Of The Pseudorabies Eradication, State-Federal-Industry Program Standards. (7-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**050. REQUIREMENTS OF TITLE 9, ~~SUBCHAPTER C~~ Parts 71, 75, 77, 78, 85, 145, 147, AND 161, CFR.** In addition to meeting the requirements of this chapter for entry, animals imported into Idaho shall meet all applicable requirements set forth in the Title 9, ~~Subchapter C~~ Parts 71, 75, 77, 78, 85, 145, 147, and 161, CFR, January 1, 2002. (7-1-02)F(8-15-02)T

**051. POST ENTRY INSPECTIONS.**

All animals entering Idaho ~~shall~~ may be subject to a post-entry inspection by state or federal animal health officials. (7-1-02)F(8-15-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**SUBSECTION 100.04**

**100. CERTIFICATES OR PERMIT REQUIRED.**

Unless otherwise specifically provided in this chapter, all animals transported or moved into the state of Idaho shall be accompanied by: (7-1-02)T

**04. Possession.** The certificate, and permit if required, shall be attached to the waybill or be in the possession of the driver of the vehicle ~~or person in charge of the animals~~ at the time of importation.

(7-1-02)F(8-15-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**SECTION 107**

**107. ANIMALS EXPOSED TO DISEASE OR ORIGINATING IN A QUARANTINED AREA.**

No animals affected with or which have been exposed to any infectious, contagious, or communicable disease, or which originate in a quarantined area shall be transported or moved into the state of Idaho unless a permit for such entry is first obtained from the Division of Animal Industries, except such animals in classifications allowed interstate shipment under specified requirements of the USDA may move without permit if in compliance with Title 9, ~~Subchapter C~~, Parts 71, 77, 78, 85, 145, and 147 CFR requirements. (7-1-02)F(8-15-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**SUBSECTION 110.01**

**110. GENERAL DUTIES OF CARRIER.**

All owners and operators of railroads, trucks, airplanes, or other conveyances shall conform to all rules and statutes of the state of Idaho in transporting or moving any animals into, within or through the state of Idaho. (7-1-02)T

**01. Duties Of Carrier Regarding Certificates of Veterinary Inspection Or Permits.** All owners and operators of railroads, trucks, airplanes, or other conveyances used in the transportation of animals into or within the state of Idaho shall assure themselves each consignment or shipment is in conformity with the applicable statutes and rules of the state of Idaho, and that each consignment is accompanied by an official certificate of veterinary inspection, when required, or by a permit, or by both, where so required ~~and issued by the authorized livestock sanitary official~~. Such certificate of veterinary inspection or permit, or both, shall be attached to the waybill accompanying the shipment or be in the possession of the attendant in charge of the animals. (7-1-02)F(8-15-02)T

**SECTION 111**

**111. ADDITIONAL IMPORT REQUIREMENTS.**

The Administrator may impose additional or more restrictive import requirements than the requirements in this chapter by issuing a written order stating the additional requirements and the reasons for the requirements.

(8-15-02)T

**1112. -- 199. (RESERVED).**

**SECTION 200 AND SUBSECTIONS 200.01 THROUGH 200.04**

**200. IMPORTATION OF CATTLE INTO IDAHO.**

~~All cattle may that~~ enter the state of Idaho ~~provided they are~~ shall be accompanied by a certificate of veterinary inspection or other approved certificate attesting they are free from evidence of any infectious, contagious, or communicable disease, or exposure thereto, and by a permit if required. ~~All cattle entering Idaho shall be subject to a post-entry inspection by state or federal animal health officials., except:~~ (7-1-02)F(8-15-02)T

**01. Approved Slaughter Establishments.** Cattle consigned directly to approved slaughter establishments shall be accompanied by a statement of ownership such as a brand certificate or waybill, and a permit, if required; or (8-15-02)T

**02. Specifically Approved Livestock Market.** Cattle consigned directly to specifically approved livestock markets shall be accompanied by a statement of ownership such as a brand certificate or waybill, and a permit, if required; or (8-15-02)T

**03. Feedlots Approved By The Administrator.** Cattle consigned directly to feedlots approved by the Administrator for conducting veterinary inspections upon the arrival of the cattle. (8-15-02)T

**04. Post-Entry Inspection.** All cattle entering Idaho may be subject to a post-entry inspection by state or federal animal health officials. (8-15-02)T

**SUBSECTIONS 201.02 THROUGH 200.04**

**201. WHEN PERMITS ARE REQUIRED FOR CATTLE.**

**02. Beef Bulls.** All bulls of beef breeds not consigned directly to an approved slaughter establishment, or to a specifically approved livestock market, except intact male calves accompanying their dams. (7-1-02)F(8-15-02)T

**03. Brucellosis Female Beef Cattle.** All intact female cattle ~~which~~ of beef breeds not consigned directly to an approved slaughter establishment or to a specifically approved livestock market that are: (7-1-02)F(8-15-02)T

a. From states or areas that are not Brucellosis Class Free; or (7-1-02)F(8-15-02)T

b. Not officially vaccinated pursuant to IDAPA 02.04.20, "Rules Governing Brucellosis," except calves accompanying their dam; or (7-1-02)F(8-15-02)T

c. Under one hundred twenty (120) days of age, except calves accompanying their dam. (7-1-02)F(8-15-02)T

**04. Restricted Areas.** All cattle from areas or states ~~with~~ on which Idaho or USDA has imposed restrictions. (7-1-02)F(8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 210.01 THROUGH 210.06**

**210. BRUCELLOSIS VACCINATION REQUIREMENTS.**

All intact female cattle entering Idaho shall have been officially vaccinated for brucellosis except: (7-1-02)T

- 01. Cattle Consigned To Slaughter.** Female cattle consigned directly to an approved slaughter establishment; ~~or~~ (7-1-02)F(8-15-02)T
- 02. Cattle Consigned To Specifically Approved Livestock Markets.** Female cattle consigned directly to a specifically approved livestock market ~~for sale to approved feedlots or approved slaughter establishments; or~~ (7-1-02)F(8-15-02)T
- 03. Approved Feedlot.** Female cattle consigned directly to an Idaho approved feedlot, by permit; ~~or~~ (7-1-02)F(8-15-02)T
- 04. Calves.** Female calves ~~under~~ less than one hundred twenty (120) days of age by permit; ~~or~~ (7-1-02)F(8-15-02)T
- 05. Vaccination On Arrival.** Non-vaccinated females ~~over~~ more than one hundred twenty (120) days of age may, by permit, be consigned to a qualified destination approved by the Administrator to be officially vaccinated on arrival pursuant to IDAPA 02.04.20, "Rules Governing Brucellosis"; ~~or~~ (7-1-02)F(8-15-02)T
- 06. Show Cattle.** Female cattle may enter Idaho for the purpose of participating in shows or exhibitions, by permit. (8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 240.02, 240.03, 240.04.a. AND 240.05**

**240. TUBERCULOSIS TEST REQUIREMENTS.**

Cattle and domestic bison may enter the state of Idaho provided: (7-1-02)T

**02. Tuberculosis Accredited Free Herd.** Cattle and bison that originate in an accredited tuberculosis free herd in either an accredited free state or zone, a modified accredited advanced state or zone, or a modified accredited state or zone, as defined by USDA in Title 9, ~~Subchapter C~~ Part 77, CFR, and for which both an accredited herd number and date of last tuberculosis test are shown on the certificate of veterinary inspection, may enter the state without a tuberculosis test. (7-1-02)F(8-15-02)T

**03. Tuberculosis Modified Accredited Advanced State Or Zone.** Cattle and bison that originate from a modified accredited advanced state or zone, as defined by USDA in Title 9, ~~Subchapter C~~ Part 77, CFR, and are not known to be infected with or exposed to tuberculosis, may be imported upon meeting the following requirements: (7-1-02)F(8-15-02)T

**04. Tuberculosis Modified Accredited State Or Zone.** Cattle and bison that originate in a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (7-1-02)T

**a.** The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that have been individually identified and classified negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; ~~or~~ (7-1-02)F(8-15-02)T

**05. Tuberculosis Accredited Preparatory State Or Zone.** Cattle and bison that originate in an accredited preparatory state or zone, as defined by USDA in Title 9, ~~Subchapter C~~ Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions:

(7-1-02)F(8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTIONS 260.01, 260.03, 260.03.a. THROUGH 260.03.d.**

**260. TRICHOMONIASIS.**

The Certificate of Veterinary Inspection for bulls imported into Idaho shall contain a statement certifying that Trichomoniasis is not known to exist in the herd of origin, and: (7-1-02)T

**01. Virgin Bulls ~~Under Less Than~~ Twenty-Four Months Of Age.** The virgin bull(s) are less than twenty-four (24) months of age ~~or younger~~ and have not serviced a cow; or (7-1-02)F(8-15-02)T

**03. Exceptions.** Exceptions to certification and testing: (7-1-02)T

**a.** Bulls consigned directly to slaughter at an approved slaughter establishment; ~~or~~ (7-1-02)F(8-15-02)T

**b.** Bulls consigned directly to an approved feedlot; ~~or~~ (7-1-02)F(8-15-02)T

**c.** Bulls consigned directly to a specifically approved livestock market; or (8-15-02)T

**d.** Rodeo bulls imported by an Idaho based rodeo producer, or rodeo bulls imported to perform at specific rodeos in Idaho. (8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SUBSECTION 290.01**

**290. DOMESTIC BISON.**

**01. Shipment.** All domestic bison imported into Idaho shall be in compliance with the same requirements as cattle contained in this chapter and Title 9, ~~Subchapter C~~ Parts 71, 77, and 78, CFR. (7-1-02)F(8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTION 400, 401, AND 402**

**400. IMPORTATION OF SWINE.**

Swine may enter the state of Idaho provided they meet the ~~following~~ brucellosis and pseudorabies requirements in Sections 401 and 402, and are accompanied by a certificate of veterinary inspection attesting ~~that they have been inspected within thirty (30) days of date of shipment, that they are free from evidence of all infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days, that they have not been vaccinated with any pseudorabies vaccine, and that they have not been fed raw garbage. Swine for immediate slaughter which are apparently healthy may enter the state of Idaho without a certificate of veterinary inspection, provided the applicable permit requirements are met and the swine are consigned directly to an approved slaughter establishment, or to a specifically approved livestock market for sale to an approved slaughter establishment.~~ to the



following:

(7-1-02)F(8-15-02)T

**01. Brucellosis Test Requirements.** ~~Breeding swine shall be tested negative for brucellosis at a dilution of one to twenty-five (1:25) within thirty (30) days of entry or negative to Official Card Test, within thirty (30) days of entry, or originate from a validated brucellosis free herd or validated brucellosis free state.~~ **Animals Inspected.** All swine have been inspected within thirty (30) days prior to the date of shipment, and that they are free from evidence of all infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days; and (7-1-02)F(8-15-02)T

**02. Pseudorabies Import Rule. Vaccination.** ~~The swine have not been vaccinated with any pseudorabies vaccine; and~~ (7-1-02)F(8-15-02)T

~~**a.** Breeding swine shall have a permit for entry from the Division of Animal Industries and be individually identified by official ear tags or other approved techniques, and be shipped directly from a farm of origin or a market in a Stage IV or V state/area, or may be shipped directly from a qualified pseudorabies negative herd. Such swine must be quarantined in isolation at destination and retested thirty (30) to sixty (60) days following importation, or must have a negative official pseudorabies test within thirty (30) days prior to entry. Such swine must be quarantined in isolation and retested at destination thirty (30) to sixty (60) days following importation. (7-1-02)F~~

~~**b.** Feeder pigs shall have a permit for entry from the Idaho Division of Animal Industries and be identified by an official ear tag, approved legible ear tattoo or other approved techniques indicating the state and herd of origin, and be shipped directly from a farm of origin or a market in a Stage IV or V state/area, or be shipped directly from a qualified pseudorabies negative herd, or feeder pigs not meeting the requirements of IDAPA 02.04.03, "Rules of the Department of Agriculture Governing Animal Industry," shall have a negative official pseudorabies test within thirty (30) days prior to entry. Such swine must be quarantined in isolation at destination and retested thirty (30) to sixty (60) days following importation. (7-1-02)F~~

~~**c.** Slaughter swine infected or exposed swine shall be accompanied by a permit and may be shipped directly to an approved slaughter establishment. Slaughter swine, which are not known to be infected or exposed, may be imported from a state/area with a program status up to and including Stage III, for movement directly to an approved slaughter establishment, without permit. Slaughter swine from Stage IV or V state/area, which are not known to be infected or exposed, may be imported directly to approved slaughter establishments or to specifically approved livestock markets for sale to approved slaughter establishments, without permit. (7-1-02)F~~

**03. Garbage.** The swine have not been fed raw garbage. (8-15-02)T

**04. Slaughter Swine Exceptions.** Swine for immediate slaughter which are apparently healthy may enter the state of Idaho without a certificate of veterinary inspection, provided the applicable permit requirements are met and the swine are consigned directly to an approved slaughter establishment, or to a specifically approved livestock market for sale to an approved slaughter establishment. (8-15-02)T

**401. BRUCELLOSIS REQUIREMENTS.**

Breeding swine shall be tested negative for brucellosis at a dilution of one to twenty-five (1:25) on the standard tube test within thirty (30) days prior to entry or negative to Official Card Test, within thirty (30) days prior to entry, or originate from a validated brucellosis free herd or validated brucellosis free state. (8-15-02)T

**402. PSEUDORABIES REQUIREMENTS.**

All swine shall have a permit for entry from the Division of Animal Industries and be individually identified by official ear tags or other approved techniques indicating the state and herd of origin. (8-15-02)T

**01. Breeding Swine.** Breeding swine may be shipped directly from: (8-15-02)T

**a.** A farm of origin or a specifically approved livestock market in a Stage IV or V state/area without Pseudorabies testing; or (8-15-02)T

**b.** A qualified Pseudorabies-negative herd with a negative official Pseudorabies test within thirty (30) days prior to entry into Idaho; or (8-15-02)T

**c.** A farm of origin or a specifically approved livestock market in any other state or area with a negative official Pseudorabies test within thirty (30) days prior to entry and such swine must be quarantined in isolation at destination and retested thirty (30) to sixty (60) days following importation. (8-15-02)T

**02. Feeder Pigs.** Feeder pigs may be shipped directly from: (8-15-02)T

**a.** A farm of origin or a specifically approved livestock market in a Stage IV or V state/area, or be shipped directly from a qualified Pseudorabies-negative herd without a Pseudorabies test; or (8-15-02)T

**b.** A farm of origin or a specifically approved livestock market in any other state or area with a negative official Pseudorabies test within thirty (30) days prior to entry. Such swine must be quarantined in isolation at destination and retested thirty (30) to sixty (60) days following importation. (8-15-02)T

**03. Slaughter Swine.** Slaughter swine that are known to be exposed to Pseudorabies may be shipped directly to an approved slaughter establishment by permit. Slaughter swine, which are not known to be infected or exposed, may be imported from a state/area with a program status up to and including Stage III, for movement directly to an approved slaughter establishment, with a permit. Slaughter swine from Stage IV or V state/area, which are not known to be infected or exposed, may be imported directly to approved slaughter establishments or to specifically approved livestock markets for sale to approved slaughter establishments, without a permit. (8-15-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**SECTIONS 600, 601, 602, AND 603**

**600. IMPORTATION OF DOMESTIC CERVIDAE.**

Domestic cervidae may enter the state of Idaho, by permit, provided ~~that they are accompanied by a certificate of veterinary inspection certifying that they have been inspected within thirty (30) days of date of shipment, that they are free from evidence of infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days and have met the testing and certification requirements of these rules.~~(7-1-02)F(8-15-02)T

**01. Certificate Of Veterinary Inspection.** The cervidae are accompanied by a certificate of veterinary inspection certifying that they have been inspected within thirty (30) days prior to the date of shipment, that they are free from evidence of infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days; and (8-15-02)T

**02. Meet Testing Requirements.** The cervidae shall meet the testing requirements of Section 601. (8-15-02)T

**601. TESTING REQUIREMENTS.**

All cervidae imported into Idaho shall meet the following test requirements, except cervidae that do not originate from a CWD or Tuberculosis endemic area, as determined by the administrator, may be imported directly to an approved slaughter establishment for immediate slaughter, or a domestic cervidae approved feedlot, to be fed for slaughter, without meeting the test requirements. (8-15-02)T

**01. Brucellosis.** Animals six (6) months of age and older shall be negative to at least two (2) different official brucellosis tests, one (1) of which shall be the rivanol, the PCIFA, the CF, or the CITE test, within thirty (30) days prior to entry, or the animals shall originate directly from a Brucellosis certified free herd or a Brucellosis class free state for cervidae. (7-1-02)F(8-15-02)T

**02. Tuberculosis.** Imported domestic cervidae shall be tested according to the provisions in Title 9, Subchapter C Part 77, CFR. (7-1-02)F(8-15-02)T

**03. Red Deer Genetic Factor.** Elk shall be tested negative for red deer genetic factor by a laboratory approved by the Division of Animal Industries, or the elk are registered with NAEBA. (7-1-02)T

**602. INDIVIDUAL IDENTIFICATION.**

Each cervid animal imported shall be individually identified by an official approved USDA identification ~~tag~~ device on a certificate of veterinary inspection issued by the accredited veterinarian who performed any required tests. (7-1-02)F(8-15-02)T

~~**01. From Certified CWD Free Herd.** All cervidae imported into Idaho shall originate from a herd that has been enrolled in a CWD monitoring program for at least sixty (60) months and which has been determined to have certified CWD free cervid herd status by the animal health official of the state of origin. Records and causes of death for the past five (5) years in this herd shall be made available to the state animal health official of the state of origin. (7-1-02)F~~

~~**02. Exceptions.** The Administrator, after conducting an evaluation, may grant exceptions to the provisions of this Subsection on a case-by-case basis. (7-1-02)F~~

**603. DESTINATION.**

Imported ~~Domestic~~ cervidae shall be delivered only to approved slaughter establishments, domestic cervidae approved feedlots, or domestic cervidae ranches, which ~~is~~ are in compliance with the domestic cervidae rules. (7-1-02)F(8-15-02)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTIONS 607

**607. FROM CERTIFIED CWD FREE HERD.**

All elk imported into Idaho shall originate from a herd that has been enrolled in a CWD monitoring program for at least sixty (60) months and which has been determined to have certified CWD free cervid herd status by the animal health official of the state of origin. (8-15-02)T

**01. Records.** In order to qualify for CWD free status, the records and causes of death for the past five (5) years in the herd shall be made available to the state animal health official of the state of origin, and the Division of Animal Industries upon request. (8-15-02)T

**02. Exceptions.** The Administrator, after conducting an evaluation, may grant exceptions to the provisions of this Section on a case-by-case basis. (8-15-02)T

~~6078.~~ -- 699. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 702

**702. POULTRY HATCHING EGGS.**

All poultry hatching eggs being imported into Idaho shall ~~originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment.~~ (7-1-02)F(8-15-02)T

**01. NPIP Flock.** Originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment; or (8-15-02)T

**02. Negative Birds.** Come from birds that have been tested negative to *Salmonella pullorum-typhoid*, *Salmonella enteritidis* and *Mycoplasma synoviae* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment. (8-15-02)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 704

**704. RATITE HATCHING EGGS.**

All ratite hatching eggs imported into the state of Idaho shall ~~come from birds that have been tested negative for *Salmonella pullorum-typhoid* and *Salmonella enteritidis*.~~ (7-1-02)F(8-15-02)T

**01. NPIP Flock.** Originate from a certified NPIP ratite flock and have a valid VS Form 9-3 accompanying the shipment; or (8-15-02)T

**02. Negative Birds.** Come from birds that have been tested negative to *Salmonella pullorum-typhoid* and *Salmonella enteritidis* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment. (8-15-02)T

(BREAK IN CONTINUITY OF SECTIONS)

SECTION 706

**706. WILDFOWL HATCHING EGGS.**

All wildfowl hatching eggs imported into the state of Idaho shall come from birds that have been tested negative for *Salmonella pullorum-typhoid*, *Salmonella enteritidis*, *Mycoplasma synoviae*, and *Mycoplasma gallisepticum* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment. (7-1-02)F(8-15-02)T

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.04.22 - RULES GOVERNING ANIMAL HEALTH EMERGENCIES**  
**DOCKET NO. 02-0422-0201**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 25-203, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**October 10, 2002, at 7 p.m.**  
**Nampa Civic Center**  
**311 3rd Street South, Nampa, ID 83651**

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:

Create rules for Animal Health Emergency Management in compliance with Sections 25-210 and 25-212, Idaho Code and HB 446 passed by the 2002 Legislature.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. N/A

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not used to develop this rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Bob Hillman, John Chatburn, or Dr. Marilyn Simunich, Idaho State Department of Agriculture at (208) 332-8540.

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 23, 2002.

DATED this 20th day of August, 2002.

Patrick A. Takasugi, Director  
Idaho State Department of Agriculture  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500 / (208) 334-4062 FAX

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0422-0201**

**IDAPA 02, TITLE 04, Chapter 22**

**02.04.22 - RULES GOVERNING ANIMAL HEALTH EMERGENCIES**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 25, Chapter 2, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.04.22, "Rules Governing Animal Health Emergencies". ( )

**02. Scope.** These rules govern procedures, requirements, and the declaration of an animal health emergency occurring in the state of Idaho. ( )

**03. Citation.** The official citation of this chapter is IDAPA 02.04.22.000 et seq. For example, this Section's citation is IDAPA 02.04.22.001 ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of this rule. ( )

**003. ADMINISTRATIVE APPEAL.**

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE.**

**01. Incorporated Documents.** IDAPA 02.04.22 incorporates by reference the Code of Federal Regulations Title 9, Part 53.2, January 1, 2002. ( )

**02. Availability OF Documents.** Copies of documents incorporated by reference may be obtained from the Idaho State Department of Agriculture Central Office. ( )

**005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.**

**01. Physical Address.** The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. ( )

**02. 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. ( )

**03. Mailing Address.** The mailing address for the central office is Idaho State Department Agriculture, P.O. Box 790, Boise, Idaho 83701. ( )

**04. Telephone Number.** The telephone number of the Division of Animal Industries at the central office is (208) 332-8540. ( )

**05. Fax Number.** The fax number of the Division of Animal Industries at the central office is (208) 334-4062. ( )

**006. IDAHO PUBLIC RECORDS ACT.**

These rules are public records available for inspection and copying at the central office of the Idaho State Department of Agriculture and the State Law Library. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

**01. Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. ( )

02. **Animals.** All vertebrates, except humans. ( )
03. **Conveyance.** Any type of vehicle, carrier, kennel, or trailer of any kind used to move or hold animals. ( )
04. **Department.** The Idaho State Department of Agriculture. ( )
05. **Director.** The Director of the Idaho State Department of Agriculture or his designee. ( )
06. **Division Of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. ( )
07. **Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. ( )
08. **Emergency Disease.** A disease, agent or parasite that could have a devastating impact on people, animals, or the economy as determined by the Director. ( )
09. **Epidemiology.** The study of the distribution and determinants of health-related states or events in specified populations, and the application of this study to control of health problems. ( )
10. **Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. ( )
11. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. ( )
12. **Foreign Animal Disease.** A transmissible disease of animals, believed to not exist in the United States and its territories, as determined by USDA that has a potential significant health or economic impact. ( )
13. **Infected Zone.** The geographic portion of a quarantine area, which contains all animals known to be infected with or exposed to an emergency disease as designated by the Administrator. ( )
14. **Livestock.** Cattle, swine, horses, mules, asses, sheep, goats, domestic cervidae, camelids, and ratites. ( )
15. **Operator.** The person who has authority to manage or direct an animal premises or conveyance and the animals thereon. ( )
16. **Owner.** The person who has legal title or has financial control of animals, premises or conveyances. ( )
17. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. ( )
18. **Premises.** The ground area, buildings, corrals, and equipment utilized to keep, hold or maintain animals. ( )
19. **Quarantine.** A written order, executed by the Administrator, to confine or hold animals on a premises or any other location, where found, and prevent movement of animals from a premises or any other location when the Administrator has determined that the animals are infected with or exposed to a disease, or are not in compliance with the provisions of this chapter. ( )
20. **Quarantine Area.** A geographic designation encompassing one (1) or more premises in one (1) or more counties, and consisting of an infected zone and a surveillance zone as determined by the Administrator. ( )

**21. State Animal Health Official.** The Administrator, or his designee, who is responsible for disease control and eradication programs. ( )

**22. Surveillance Zone.** The geographic portion of the quarantine area surrounding the infected zone as designated by the Administrator. ( )

**011. ABBREVIATIONS.**

**01. APHIS.** Animal and Plant Health Inspection Service. ( )

**02. CFR.** Code of Federal Regulations. ( )

**03. USDA.** United States Department of Agriculture. ( )

**04. VS.** Veterinary Services. ( )

**012. -- 049. (RESERVED).**

**050. COOPERATION WITH USDA.**

Pursuant to Sections 25-208 and 25-209, Idaho Code, and Title 9, Part 53.2, CFR, the Division of Animal Industries may cooperate with the USDA in the prevention, management, control, and eradication of emergency diseases. ( )

**051. CIRCUMSTANCES OF AN ANIMAL HEALTH EMERGENCY.**

The discovery of any emergency disease, which could have a devastating impact on the livestock, other animals, or people of this state, may constitute an animal health emergency requiring the implementation of prevention, management, control or eradication measures by state animal health officials. ( )

**052. DECLARATION OF AN ANIMAL HEALTH EMERGENCY.**

The Director is authorized to declare an animal health emergency upon: ( )

**01. Foreign Disease.** The discovery of any disease, parasite or agent which has been identified by the USDA/APHIS/VS as a “communicable foreign disease not known to exist in the United States”; or ( )

**02. Eradicated Diseases.** The discovery of any disease, parasite or agent which is not naturally occurring in or has been eradicated from Idaho, as determined by the Administrator, and which, if introduced into Idaho, would have a devastating impact on the livestock or other animals of the state; or ( )

**03. Specific Diseases.** The exposure to or infection of foot and mouth disease, bovine spongiform encephalopathy, chronic wasting disease, other transmissible spongiform encephalopathies, brucellosis, tuberculosis, or any foreign, exotic or emerging disease, as determined by the Administrator. ( )

**04. Disease Presence.** The presence of any foreign, eradicated, or specific diseases in any state in the United States, any country contiguous to the United States, or any country from which the state of Idaho receives animals or animal products may constitute an emergency. ( )

**053. QUARANTINE AUTHORITY.**

State or federal animal health officials are authorized to quarantine any animal infected with or exposed to an emergency disease, or any premises, county or area of the state to prevent ingress or egress of animals, people, or vehicles in the event of an emergency disease. ( )

**054. UTILIZATION OF VACCINATION IN ANIMAL HEALTH EMERGENCIES.**

The Administrator is authorized to order the strategic use of vaccinations, treatments or other remedies to reduce the risk or spread of emergency diseases. ( )

**055. -- 099. (RESERVED).**



**100. QUARANTINE PROCEDURES FOR AN ANIMAL HEALTH EMERGENCY.**

State or federal animal health officials are authorized to place under quarantine any infected animals, exposed animals, and those animals exhibiting signs of an emergency disease. The quarantine may also include susceptible animals not yet exposed. ( )

**01. Written Notice.** Written notice of quarantine will be given to the owner of the animals, or the owner or operator of the premises or conveyance where the animals are found. ( )

**02. Validity Of Quarantine.** The quarantine shall be valid whether or not it is acknowledged by signature of the owner or operator. ( )

**03. Quarantine Release.** The quarantine shall remain in place until a state or federal animal health official releases the quarantine in writing. ( )

**101. QUARANTINE AREA.**

The Administrator may establish a quarantine area, which includes an infected zone encompassing the infected and exposed animals and premises, and a surveillance zone, based on the locations of said premises and the characteristics and epidemiology of the disease. The quarantine area may include one or more premises, all or part of a county, or all or part of the state. ( )

**102. QUARANTINE AREA SECURITY.**

The Administrator may limit access of people and vehicles to the quarantine area. ( )

**103. QUARANTINE AREA BIO-SECURITY.**

Bio-security of the quarantine area will be instituted and maintained. ( )

**01. Personnel.** People entering or leaving the quarantine area will follow disinfection or decontamination guidelines and procedures established by state or federal animal health officials. ( )

**02. Vehicles And Equipment.** Vehicles and equipment moving into or out of the quarantine area will be cleaned and disinfected or decontaminated according to guidelines and procedures established by state or federal animal health officials. ( )

**104. ANIMAL MOVEMENT IN QUARANTINE AREA.**

Animals shall not be moved into, out of, through, or within the quarantine area except by permit issued by the Administrator. ( )

**105. SALE OF DISEASED OR EXPOSED ANIMALS NOT ALLOWED.**

Animals infected with, or susceptible animals exposed to, an emergency disease shall not be sold, or in anyway transferred to another person without written authorization from the Administrator. Additionally, such animals shall not be set free. ( )

**106. EXPOSURE OF ANOTHER'S ANIMALS NOT ALLOWED.**

Animals infected with or exposed to an emergency disease or any disease not known to exist in Idaho shall not be: ( )

**01. Housed.** Housed with, or adjacent to, another person's animals that have not been previously exposed or land used for raising such animals; or ( )

**02. Turned Out.** Turned out with, or adjacent to, another person's animals that have not been previously exposed or land used for raising such animals. ( )

**107. MOVEMENT OR SALE OF ANIMAL PRODUCTS.**

The Administrator may prohibit the movement or sale of products from animals infected with or exposed to an emergency disease. ( )

**108. -- 199. (RESERVED).**

**200. RESTRICTIONS ON ANIMALS FROM AREAS OR STATES AFFECTED BY EMERGENCY DISEASES.**

The Administrator may impose restrictions on animal movement into Idaho from areas or states affected by an emergency disease as provided in IDAPA 02.04.21, "Rules Governing the Importation of Animals". ( )

**201. ANIMALS IN TRANSIT AT TIME OF DECLARED EMERGENCY.**

The Administrator shall determine the disposition of animals in transit at the time of the declaration of an animal health emergency. ( )

**202. -- 299. (RESERVED).**

**300. CONDEMNATION OF INFECTED, EXPOSED, OR SUSCEPTIBLE ANIMALS.**

The Administrator is authorized to condemn, and order the slaughter, destruction, or other disposition of animals, infected with, exposed to, or susceptible to an emergency disease. ( )

**301. -- 399. (RESERVED).**

**400. DEPOPULATION OF ANIMALS.**

Animals infected with, exposed to, or susceptible to an emergency disease may be depopulated to control and eradicate the disease. ( )

**01. Preventive Slaughter Or Destruction.** Animals, located within the quarantine area, that are susceptible to an emergency disease may be depopulated to control or eradicate the emergency disease. ( )

**02. Scope Of Depopulation.** The Administrator will determine the scope of depopulation. ( )

**401. METHOD OF DEPOPULATION.**

The Administrator will determine the method for destruction of animals in quarantine areas. ( )

**402. TIME LIMIT FOR DEPOPULATION.**

The Administrator will determine the time limit for depopulation of condemned animals. ( )

**403. -- 499. (RESERVED).**

**500. COMPENSATION FOR APPRAISED ANIMALS.**

Owners of condemned animals will be compensated for animals ordered destroyed by the Administrator if the animals are appraised prior to depopulation, and the owner is in compliance with these rules. Compensation may be paid on animals that die or are depopulated before appraisal at the discretion of the Administrator. ( )

**501. COMPENSATION FOR ANIMALS DESTROYED.**

State compensation is limited to appraised value less any federal indemnity and salvage value for animals condemned, and slaughtered or otherwise destroyed. ( )

**502. APPRAISAL PROCEDURE FOR ANIMALS DEPOPULATED.**

**01. Animal Appraisal.** Animals to be depopulated shall be appraised by a team of three (3) persons including: ( )

**a.** A representative of the Division of Animal Industries; and ( )

**b.** The owner; and ( )

**c.** A person with experience marketing the species of animal as determined by the Administrator. ( )

**02. Dispute Of Appraisal.** When the appraisal price is in dispute, the Director may grant a hearing to

any person, under such rules as the Department may prescribe which are in compliance with Title 67, Chapter 52, Idaho Code. ( )

**503. TIME LIMIT FOR APPRAISAL.**

The Administrator will determine the time limit for completing the appraisal. ( )

**504. -- 599. (RESERVED).**

**600. COMPENSATION FOR LABOR EMPLOYED.**

**01. Disposal Of Animals.** The Department may pay actual costs for labor employed for disposal of animals depopulated at the direction of the Administrator. ( )

**02. Cleaning And Disinfection.** The Department may pay actual costs for labor employed in the cleaning and disinfection of premises where infected or exposed animals were kept. ( )

**601. COMPENSATION FOR PROPERTY DESTROYED.**

The Department will compensate owners for property ordered destroyed by the Administrator. ( )

**01. Property Destroyed Otherwise.** The department may compensate owners for property otherwise destroyed as approved by the Administrator. ( )

**02. Actual Value.** The Department will pay actual value of property destroyed, as determined by the Administrator, if compensation is paid. ( )

**602. -- 699. (RESERVED).**

**700. CLEANING AND DISINFECTION OF PREMISES.**

Any premises or area where animals infected with or exposed to an emergency disease were held or kept shall be cleaned, disinfected, or decontaminated under the supervision and at the direction of state or federal animal health officials within the time limit established by the Administrator. ( )

**701. CLEANING AND DISINFECTION OF ANIMAL CONVEYANCE.**

Any conveyance used to hold or transport animals infected with or exposed to an emergency disease shall be cleaned, disinfected, or decontaminated under the supervision and at the direction of state or federal animal health officials within the time limit established by the Administrator. ( )

**702. -- 989. (RESERVED).**

**990. PENALTY FOR VIOLATIONS.**

Any person who violates any of the provisions of this chapter may be subject to the criminal penalties provided in Title 25, Chapter 2, Idaho Code. ( )

**991. -- 999. (RESERVED).**

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### NOTICE OF LEGISLATIVE ACTION AFFECTING THE ADMINISTRATIVE RULES OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE, DIVISION OF PLANT INDUSTRIES

DOCKET NO. 02-0600-0201

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

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2002.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-2006, 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 16, 2002.

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 passage of HB 448 repealed and consolidated the legal authorities of 16 rules into Title 22, Chapter 20, Idaho Code, "Idaho Plant Pest Act of 2002," IDAPA Numbers: 02.06.05, 07, 11, 14, 15, 17, 18, 20, 24, 26, 29, 32, 35, 36, 38 and 40 need to have the legal authority updated to reference the new law and to add sections required by the Office of Administrative Rules Coordinator.

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

The rules are necessary to protect the public health, safety or welfare; to comply with deadlines in amendments to governing law and confers a benefit to producers, handlers and the general public.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Acting Administrator or Curtis Thornburg, Program Manager at (208) 332-8620.

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 23, 2002.

DATED this 21st day of August, 2002.

Patrick A. Takasugi  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83701  
Phone: (208) 332-8503 / Fax: (208) 334-2170

---

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0600-0201

**02.06.05 - ~~IDAHO STATE DEPARTMENT OF AGRICULTURE~~ RULES  
~~CONCERNING~~ GOVERNING DISEASES OF HOPS (Humulus lupulus)**

**000. LEGAL AUTHORITY.**

This chapter is adopted under legal authority of Title 22, Chapters ~~7, 19,~~ and 20, Idaho Code. (~~3-19-99~~)(9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is ~~the~~ IDAPA 02.06.05, "Idaho State Department of Agriculture Rules ~~Concerning~~ Governing Diseases of Hops (Humulus lupulus)". (~~3-19-99~~)(9-1-02)T

**02. Scope.** This chapter has the following scope: Establishes definitions, regulated pests, regulated products, control areas, procedures for the certification of propagative material to be shipped into Idaho, and inspection procedures for propagative material produced in Idaho. Requires farm machinery to be clean of plant debris and soil, and fields to be posted. Sets forth consequences if a regulated pest is found and penalties for violations. Sets a fee schedule for inspections and makes allowances for exemptions from the rule. The official citation of this chapter is IDAPA 02.06.05 et seq. For example, the citation for this Section is IDAPA 02.06.05.001. (3-19-99)

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**0057. FINDINGS.**

The revision of IDAPA 02.06.05, "~~Idaho State Department of Agriculture~~ Rules ~~Concerning~~ Governing Diseases of Hops (Humulus lupulus)," will confer benefits to the Idaho hop industry. Powdery mildew of hops is not known to be in Idaho. The addition of powdery mildew to the list of regulated pests is necessary to prevent the introduction of powdery mildew contaminated hop propagating materials into Idaho. The revision of this rule will comply with the quarantine rules of Oregon for the shipment of hop propagating materials from Idaho to Oregon. In order to prevent the introduction of powdery mildew contaminated hop propagating materials into Idaho, the Department finds it necessary to make this revision effective immediately. (~~3-19-99~~)(9-1-02)T

**0068. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho State Department of Agriculture adopts the definitions set forth in Section 22-2003~~5~~, Idaho Code. (~~3-19-99~~)(9-1-02)T

**011. (RESERVED).**

**0102. REGULATED PESTS.**

**01. Verticillium Wilt.** Verticillium wilt (*Verticillium albo-atrum* Reinke and Berth.) a persistent soil borne fungus disease of hops and any species or strains of the genus *Verticillium* virulently pathogenic to hops. (3-19-99)

**02. Powdery Mildew.** Powdery mildew caused by all developmental stages and biotypes of the fungus *Sphaerotheca macularis* (*S. humuli*). (3-19-99)

**0143. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**450. PENALTIES AND ENFORCEMENT POWERS.**

~~**01. Enforcement.** All designated agents of the Idaho State Department of Agriculture are empowered to carry out the provisions of these rules. (3-19-99)~~

~~**02. Penalty.** Any person violating any of the provisions of these rules may shall be subject to the penalty provisions of Title 22, Chapters ~~7, 19,~~ and 20, Idaho Code. (3-19-99)(9-1-02)T~~

---

**BREAK IN CHAPTERS**

---

**02.06.07 - RULES ~~CONCERNING~~ GOVERNING WHITE ROT DISEASE OF ONION (*Sclerotium cepivorum*)**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.07, "Rules Governing White Rot Disease of Onion (*Sclerotium cepivorum*)". (9-1-02)T

**02. Scope.** This chapter has the following scope: these rules will govern procedures for planting, movement and sale of Allium species in designated counties in Idaho. These rules will also govern the movement of machinery, tools or equipment into designated counties in Idaho as defined in Section 050. The official citation of this chapter is IDAPA 02.06.07.000 et seq. For example, the citation for this Section is IDAPA 02.06.07.001. (9-1-02)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (9-1-02)T

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. (9-1-02)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**007. FINDINGS.**

Once established this disease will seriously affect onion production and is virtually impossible to eradicate and known to be able to exist in the soil for up to thirty (30) years. The adoption of these rules will help prevent the introduction of the fungal disease known as onion white rot into the commercial onion growing areas of the state. (9-1-02)T

~~008.~~ -- 009. (RESERVED).

**010. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. (9-1-02)T

**011. (RESERVED).**

**0102. REGULATED PESTS AND DISEASES.**

Onion white rot; (*Sclerotium cepivorum*). (7-1-93)(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. ENFORCEMENT POWERS AND PENALTY PROVISION.**

Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (9-1-02)T

~~01. Enforcement.~~ The Director of Agriculture and all state plant quarantine officers are empowered to carry out all the provisions of these rules. (7-1-93)

~~02. Penalty.~~ Any person, firm, corporation or other organization who violates any provision of these rules, or who fails or refuses to comply with any requirements herein specified, or who willfully interferes with the Department, its agents or employees, in the execution, or on account of the execution of its or their duties under these rules, shall be deemed guilty of a misdemeanor. (7-1-93)

---

**BREAK IN CHAPTERS**

---

**02.06.11 - RULES ~~PERTAINING TO~~ GOVERNING EUROPEAN CORN BORER (*Ostrinia nubilalis*)**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.11, "Rules Governing European Corn Borer (Ostrinia nubilalis)". (9-1-02)T

**02. Scope.** This chapter has the following scope: These rules are to prevent the introduction of European corn borer into Idaho. The official citation for this chapter is IDAPA 02.06.11.000 et seq. For example, this section's citation is IDAPA 02.06.11.001. (9-1-02)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (9-1-02)T

**003. ADMINISTRATIVE APPEAL.**

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (9-1-02)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**007. FINDINGS.**

The establishment of the European corn borer would have a detrimental effect on the production, marketability, and export of corn for seed or consumption. The adoption of these rules will help prevent the establishment of the insect in Idaho. This insect is known to not exist in the state. (9-1-02)T

~~008.~~ -- 009. (RESERVED).

**010. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. (9-1-02)T

**011. (RESERVED).**

~~0102.~~ ~~DEFINITIONS~~ -- **REGULATED PEST.**

European corn borer (Ostrinia nubilalis). ~~A moth, family Pyralidae, which is damaging to a wide variety of important food and floral crops.~~ (7-1-93)(9-1-02)T

~~0143.~~ -- 049. (RESERVED).



(BREAK IN CONTINUITY OF SECTIONS)

150. VIOLATIONS.

01. ~~Misdemeanor Penalty.~~ ~~Violations of rules issued under~~ Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code ~~is a misdemeanor.~~  
(7-1-93)(9-1-02)T

02. Incoming Shipments. (7-1-93)

a. Any or all shipments of lots of the quarantined articles enumerated in Subsection 050.03 arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner prescribed by the Director at the option and expense of the owner or owners, his or their responsible agents. (7-1-93)

b. If any lot or shipment certified by the state of origin as prescribed in Subsection 100.01 shall be found to contain materials capable of harboring an infestation, the Director may review the program of the state of origin to determine if it meets the requirements of these rules. (7-1-93)

---

**BREAK IN CHAPTERS**

---

02.06.14 - RULES ~~PERTAINING TO~~ GOVERNING ANNUAL BLUEGRASS; (Poa Annua)

(BREAK IN CONTINUITY OF SECTIONS)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.14, "Rules ~~Pertaining To~~ Governing Annual Bluegrass; (Poa annua)". (3-30-01)(9-1-02)T

02. Scope. This chapter has the following scope: these rules are to prevent the introduction of annual bluegrass into major Kentucky bluegrass, fescue (Festuca) species, ryegrass (Lolium) species and bentgrass (Agrostis) species ~~seed production in the regulated~~ areas as ~~stated~~ defined in Section 0050. The official citation of this chapter is IDAPA 02.06.14.000 ~~through 02.06.14.999~~ et seq. For example, the citation for this section is IDAPA 02.06.14.001. (3-30-01)(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (9-1-02)T

005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

02. Mailing Address. The mailing address for the central office is Idaho State Department of

Agriculture, P.O. Box 790, Boise, Idaho 83701.

(9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712.

(9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library.

(9-1-02)T

**0057. FINDINGS.**

The amendments are needed to protect the Kentucky bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by annual bluegrass. (3-30-01)

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter:

(9-1-02)T

**01. Annual Bluegrass.** Poa annua and all related species off-types or sub-species of Poa annua, hereinafter referred to as annual bluegrass. (3-30-01)

**02. Annual Bluegrass Analysis Certificate.** A test report from an official laboratory showing freedom from annual bluegrass. (3-30-01)

~~**03. Director.** *The Director of the Idaho Department of Agriculture, or his designated agents.* (4-6-90)~~

**043. Grass Species.** All bluegrass (Poa) species, fescue (Festuca) species, ryegrass (Lolium) species and all bentgrass (Acrostic) species. (3-30-01)

**054. Official Seed Laboratory.** A seed testing laboratory approved by the Director. (4-6-90)

~~**06. Person.** *Any natural person, individual, firm, partnership, corporation, company, society, or association or every officer, agent or employee thereof.* (4-6-90)~~

**085. Quarantine Release Tag.** A numbered tag printed and issued by the Idaho Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of annual bluegrass and is eligible for planting in Idaho." (4-6-90)

**076. Regulated Pest.** ~~The *pest is determined to be* seeds of *the weed* Poa annua (Annual bluegrass) and all related off-types or sub-species of Poa annua hereinafter referred to as Annual bluegrass which are objectionable in grass seed stock, are considered weeds for the purposes of this chapter.~~ (~~3-30-01~~)(9-1-02)T

**097. Representative Sample.** A sample of seed drawn in accordance with sampling procedures as provided in the Pure Seed Law Rules. (4-6-90)

~~**108. Seed Stock.** Those seeds of grass species which are to be planted for seed increase or with intent of seed increase. (3-30-01)~~

**00611. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. REGULATED ARTICLES.**

Those articles which are regulated are seed stocks as defined in Subsection ~~010.038~~.

~~(4-6-90)~~(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. RULES GOVERNING PLANTING OF REGULATED ARTICLES.**

**01. Requirements.** Prior to any person planting any grass species seed stock in Idaho, that person shall comply with the following requirements: (3-30-01)

**a.** Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (3-30-01)

**b.** Have a representative sample submitted for testing. (3-30-01)

**02. Tags.** Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection ~~00410.086~~. ~~(3-30-01)~~(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**450. PENALTIES.**

Any person violating ~~any~~ the provisions of these rules ~~will~~ shall be subject to the penalty provisions of "The Horticultural and Nursery Inspections Act," ~~Chapter 19, Title 22, Idaho Code,~~ and "The Quarantines Act," Title 22, Chapter 20, Title 22, Idaho Code. ~~(4-6-90)~~(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**~~02.06.15 - QUARANTINE ORDER NO. 4-1962 PERTAINING TO~~**  
**RULES GOVERNING PEACH TREE DISEASES**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code.

(9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.15, "Rules Governing Peach Tree Diseases".

(9-1-02)T

**02. Scope.** This chapter has the following scope: Establishes regulated pests, regulated areas, and regulated articles. Establishes the procedures for shipping regulated products into Idaho. The official citation for this chapter is IDAPA 02.06.15.000 et seq. For example, this section's citation is IDAPA 02.06.15.001.

(9-1-02)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules.

(9-1-02)T

**003. ADMINISTRATIVE APPEAL.**

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (9-1-02)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**007. FINDINGS.**

These rules are adopted to prevent the introduction of Peach Yellows, Peach Rosette, and Little Peach virus diseases into the state and potentially affecting the production, marketability, and export of peach, nectarine, apricot, plum, and prunes. (9-1-02)T

**008. -- 009. (RESERVED).**

**010. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. (9-1-02)T

**011. (RESERVED).**

**0102. DEFINITIONS -- DISEASES REGULATED PESTS.**

The ~~viruses~~ viral diseases known as Peach Yellows, Peach Rosette, and Little Peach. (~~6-4-62~~)(9-1-02)T

**0143. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. COMMODITIES COVERED REGULATED ARTICLES.**

~~(Prohibited Products):~~ All trees, cuttings, grafts, scions, or buds of all species and varieties including the flowering forms of peach, nectarine, apricot, almond, plum, and prune, and any trees budded or grafted on peach stock or peach roots, coming from a regulated area. (~~6-4-62~~)(9-1-02)T

**101. -- 149. (RESERVED).**

**150. RESTRICTIONS GOVERNING SHIPMENTS.**

The ~~restricted~~ regulated articles will not be admitted into Idaho from the ~~quarantined~~ regulated areas unless the state of origin certifies that they were produced in a county free from infection with ~~these diseases~~ the regulated pests, as determined by adequate annual surveys satisfactory to the Director of ~~the Idaho Department of Agriculture~~, and from disease-free bud sources, rootstocks, and environs. (~~6-4-62~~)(9-1-02)T

**151. -- 199. (RESERVED).**

**200. OFFICIAL CERTIFICATE REQUIREMENTS.**

The certificates required by Section 150 shall state the names and addresses of the shipper and consignee, the number and kind of ~~restricted~~ regulated articles in the shipments, and the area where grown. A copy of the certificate shall accompany the shipment, and one (1) copy shall be forwarded at the time of shipment to the Division of Plant Industry, Idaho State Department of Agriculture, Boise, Idaho. (6-4-62)(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. ~~DISPOSITION OF VIOLATIONS~~ PENALTY.**

**01. Penalty.** Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**02. Shipments.** Any or all shipments or lots of the ~~quarantined~~ regulated articles enumerated in Section 100 arriving in Idaho in violation of this ~~quarantine chapter~~ shall immediately be sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents and under the direction of the Director of the Idaho Department of Agriculture or his deputies. (6-4-62)(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**02.06.17 - ~~IDAHO STATE DEPARTMENT OF AGRICULTURE~~ RULES CONCERNING GOVERNING  
THE DISPOSAL OF CULL ONIONS AND POTATOES**

**(BREAK IN CONTINUITY OF SECTIONS)**

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.17, "~~Idaho State Department of Agriculture~~ Rules Concerning Governing the Disposal of Cull Onions and Potatoes". (3-30-01)(9-1-02)T

**02. Scope.** This chapter has the following scope: These rules cover the disposal of cull onions to prevent the spread of the onion maggot (*Delia antiqua*) and disposal of potatoes to prevent the spread of pests and diseases of potatoes. The official citation of this chapter is IDAPA 02.06.17.000 et seq. For example, this Section's citation is IDAPA 02.06.17.001. (3-30-01)

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of

Agriculture, P.O. Box 790, Boise, Idaho 83701.

(9-1-02)T

**03.** Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712.

(9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library.

(9-1-02)T

**0057. FINDINGS.**

The adoption of IDAPA 02.06.17, "*Idaho State Department of Agriculture Rules Concerning Governing the Disposal of Cull Onions and Potatoes,*" will confer benefits to the general public. The proper disposal of cull onions for the control of onion maggot is essential to the production of high quality onions at reasonable prices, while minimizing pesticide usage. Proper disposal of cull potatoes will reduce the spread or incidence of potato pests and diseases and help to minimize pesticide usage. The proper disposal of cull onions and potatoes will reduce odors and address public complaints. *The changes will also allow the department to assess a civil penalty against violators.*

(3-30-01)(9-1-02)T

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition as used in this chapter:

(9-1-02)T

~~**01. Person.** Shall include individuals, partnerships, associations, and corporations.~~

(7-1-93)

**021. Cull Onions.** Shall refer to those onions that are not marketable or useable for ~~human~~ consumption or are generally considered waste, and shall include the residue left in the field from the production of onion seed as well as commercial onions.

(7-1-93)(9-1-02)T

**032. Cull Potatoes.** Shall refer to those potatoes that are not ~~useable or~~ marketable or useable for consumption or as seed potatoes and shall include the residue left in the field from commercial or seed potato production, or as a result of spoilage while in storage.

(3-30-01)(9-1-02)T

**00611. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. VIOLATIONS PENALTY.**

Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code.

(9-1-02)T

~~**01. Misdemeanor.** Any person who violates any provision of these rules or who fails or refuses to comply with any requirements herein specified, or who wilfully interferes with the department, its agents or employees, in the execution, or on account of the execution of its or their duties under these rules, shall be deemed guilty of a misdemeanor.~~

(3-30-01)

~~**02. Civil Penalty.** Any person who violates or fails to comply with any of the provisions of these rules may be assessed a civil penalty by the department or its duly authorized agent of not more than one thousand dollars (\$1,000) for each offense and shall be liable for reasonable attorney's fees.~~

(3-30-01)

~~**a.** Assessment of a civil penalty may be made in conjunction with any other department administrative action.~~

(3-30-01)

~~**b.** No civil penalty may be assessed unless the person charged was given notice and opportunity for a~~

~~hearing pursuant to the Idaho administrative procedure act.~~

~~(3-30-01)~~

~~**e.** If the department is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the department, it may recover such amount by action in the appropriate district court.~~

~~(3-30-01)~~

~~**d.** Any person against whom the department has assessed a civil penalty under the provisions of this section may, within thirty (30) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred.~~

~~(3-30-01)~~

~~**e.** Moneys collected for violations of these rules shall be remitted to the agricultural department inspection fund.~~

~~(3-30-01)~~

~~**03. Minor Violations.** Nothing in these rules shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.~~

~~(3-30-01)~~

---

## **BREAK IN CHAPTERS**

---

### **02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION**

#### **000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapters 7,~~19~~ and 20, Idaho Code. ~~(9-1-94)~~(9-1-02)T

#### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter.

(9-1-02)T

#### **005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

(9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

(9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712.

(9-1-02)T

#### **006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library.

(9-1-02)T

#### **0057. FINDINGS.**

The adoption of this ~~temporary~~ rule will confer benefits to the mint industry by allowing certification of insect and disease-free mint rootstock by the Department. ~~The Mint Growers Association and the Idaho Mint Commission requested the proposed changes to the rules.~~ (3-23-98)(9-1-02)T

(9-1-02)T

~~0068.~~ -- 009. (RESERVED).

~~00410.~~ DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter:  
(9-1-02)T

**01. Certified Defined Generation.** Certified defined generation of mint rootstock means its origin is in the restricted area and its history may be directly traced, not to exceed five (5) generations, to its source as healthy clones. (7-1-93)

**02. Healthy Clones (HC).** Those plants, which are cloned, having been cleansed, tested and maintained in an approved greenhouse and under the supervision of the state of origin's agricultural regulatory authority. The origin of all clones shall be listed on all clone transfer permits. (~~3-23-98~~)(9-1-02)T

**03. Nuclear Planting Stock (NPS).** Those rootstocks originating from healthy clones. (9-1-94)

**04. Certified Defined Generation 1 (CDG-1).** Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)

**05. Certified Defined Generation 2 (CDG-2).** Those rootstocks one (1) generation removed from CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)

**06. Certified Defined Generation 3 (CDG-3).** Those rootstocks one (1) generation removed from CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)

**07. Certified Defined Generation 4 (CDG-4).** Those rootstocks one (1) generation removed from CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)

**08. In-State Defined Generation.** In-state defined generation of mint rootstock means the roots have been grown in the commercial production area and their history may be directly traced, not to exceed five (5) generations, to their source as healthy clones. (3-23-98)

**09. In-State Defined Generation 1 (SDG-1).** Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)

**10. In-State Defined Generation 2 (SDG-2).** Those rootstocks one (1) generation removed from SDG-1 or CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)

**11. In-State Defined Generation 3 (SDG-3).** Those rootstocks one (1) generation removed from SDG-2 or CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)

**12. In-State Defined Generation 4 (SDG-4).** Those rootstocks one (1) generation removed from SDG-3 or CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)

**13. Field.** A parcel of land submitted to the department for inspection of the mint being grown thereon, and physically separated by a minimum of five (5) feet of bare ground, or irrigation ditch, or road, or other physically discernible barrier separating it from an adjacent parcel of land planted with mint. (3-23-98)

~~011.~~ (RESERVED).

~~0102.~~ REGULATED PESTS.

**01. Diseases.** (~~3-3-93~~)

~~a. Restricted area as defined in Subsection 100.02:~~ Verticillium wilt (Verticillium dahliae Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease known to be detrimental



to the production of mint rootstock in the restricted area and the commercial production area. ~~(3-23-98)~~(9-1-02)T

~~b. Commercial production area as defined in Subsection 100.01: Verticillium wilt (Verticillium dahliae Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease known to be detrimental to the production of mint rootstock.~~ ~~(3-23-98)~~

**02. Insects.** (3-3-93)

a. Restricted area as defined in Subsection 100.02: Mint stem borer (Pseudobaris nigrina), insect pests of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. ~~(3-23-98)~~(9-1-02)T

b. Commercial production area as defined in Subsection 100.01: Mint stem borer (Pseudobaris nigrina), insect pest of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. (3-23-98)

**03. Noxious Weeds.** (3-23-98)

a. In both the commercial production area and Restricted area as defined in Subsections 100.01 and 100.02: those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. ~~(9-1-94)~~(9-1-02)T

~~b. Growers shall be notified by the Department of existing noxious weed problems. If noxious weed problems are not taken care of by~~ have not been effectively controlled as determined by the Department, prior to the second inspection, the field will be rejected for certification by the Department. ~~(3-23-98)~~(9-1-02)T

~~b. Commercial production area as defined in Subsection 100.01: those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules.~~ ~~(3-23-98)~~

~~i. Growers shall be notified by the Department of existing noxious weed problems. If noxious weed problems are not taken care of by the second inspection, the field will be rejected for certification by the Department.~~ ~~(3-23-98)~~

~~0143.~~ -- 049. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**210. GREENHOUSES.**

Greenhouses shall be screened and tightly constructed to preclude the entry of any regulated insect or noxious weeds as defined in Subsections 0102.02 and 0102.03 above. Planting media shall be sterilized prior to planting, and shall not be re-used for planting of any mint destined to be entered in the mint certification process as outlined in this rule. Greenhouses shall be disinfected annually with a ten percent (10%) sodium hypochlorite solution. Greenhouses shall be licensed as such under Chapter 23, Title 22, Idaho Code, Idaho Nursery Law. ~~(3-23-98)~~(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. PENALTIES AND ENFORCEMENT POWERS.**

~~01. Agent Enforcement Power. All designated agents of the Idaho Department of Agriculture are empowered to carry out the provisions of these rules.~~ ~~(7-1-93)~~

**021. Penalties.** Any person violating the provisions of these rules ~~may~~ shall be subject to the penalty provisions of Title 22, Chapters 7, ~~19,~~ and 20, Idaho Code. ~~(7-1-93)~~(9-1-02)T

**032. Destruction Of Rootstock.** Restricted area as defined in Subsection 100.02: any field of mint rootstock determined to be infected with ~~the~~ a regulated ~~disease(s) or infested with insects~~ pest including those without control options (~~i.e., stem borer~~) shall be destroyed to eliminate the ~~disease(s) and insects~~ regulated pest by or at the expense of the grower or landlord. Except if the county, or any portion thereof, as determined by the Department, in which a field of mint rootstock determined to be infected with the regulated disease(s) or infested with insects without control options (~~i.e., stem borer~~) is to be made part of the commercial production area, then destruction of the field shall not be required. The method of destruction shall include but not be limited to uprooting to expose and desiccate the rootstocks. All destruction shall have been completed by November 1st of each year.

(~~3-23-98~~)(9-1-02)T

---

## BREAK IN CHAPTERS

---

### 02.06.20 - RULES GOVERNING GRAPE ~~QUARANTINE ORDER NO. 1-1972~~ PLANTING STOCK

#### 000. LEGAL AUTHORITY.

~~Whereas, the introduction of a series of highly infectious virus diseases and plant pests of grape into the state of Idaho would entail great losses to the horticultural interests of the state, and Whereas, the most rigid examination cannot determine the presence of virus diseases on dormant grape plants or parts of plants. Now therefore, I, Oscar C. Arstein, Idaho Commissioner of Agriculture, under authority vested in me by the provisions of Title 22, Chapters 19 and 20, Idaho Code, in order to prevent the introduction of certain grape plant pests and plant diseases into the state of Idaho, declare that a quarantine be and the same is hereby established at the boundaries of the state of Idaho, set forth the area under quarantine, regulated commodities, regulations governing shipments, disposition of commodities in violation of quarantine, authority to enter, inspect, and control, and penalties and enforcement powers. This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code.~~ (2-21-72)(9-1-02)T

#### 001. TITLE AND SCOPE.

**01. Title.** The title of this chapter is IDAPA 02.06.20, "Rules Governing Grape Planting Stock".

(9-1-02)T

**02. Scope.** This chapter has the following scope: These rules are to prevent the introduction of certain grape plant pests and plant diseases into the state of Idaho. To declare that a quarantine be established at the boundaries of the state of Idaho. To define the area under quarantine, regulated commodities, regulations governing shipments, disposition of commodities in violation of quarantine, authority to enter, inspect, and control and penalties. The official citation for this chapter is IDAPA 02.06.20.000 et seq. For example, this section's citation is IDAPA 02.06.20.001.

(9-1-02)T

#### 002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules.

(9-1-02)T

#### 003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code.

(9-1-02)T

#### 004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter.

(9-1-02)T

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

(9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**  
These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**  
The Department adopts the definitions set forth in Section 22-2005, Idaho Code. (9-1-02)T

**0011. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**250. AUTHORITY TO ENTER, INSPECT, AND CONTROL.**

**01. Entry And Inspection.** The ~~Idaho~~ Director ~~of Agriculture or his deputies are~~ is authorized to enter and inspect any or all grape plantings in the state of Idaho. (~~2-21-72~~)(9-1-02)T

**02. Control And Destruction Of Infected Plants.** Whenever the Director ~~of Agriculture~~ finds that there is imminent peril that virus diseases or plant pests will spread from infected grape plantings to and contaminate other uninfected grape plantings because of refusal, failure, or neglect to control the already infected grape plantings, he may at once give notice in writing to control or destroy in part or total the infected grape plantings under the provisions of ~~Section 22-1901~~ Title 22, Chapter 20, Idaho Code, and he may thereafter, if necessary, proceed to destroy such infected grape plantings under the terms and provisions of Title 22, Chapter ~~19~~20, Idaho Code. (~~2-21-72~~)(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. PENALTIES ~~AND ENFORCEMENT POWERS.~~**

~~**01. Deputies.** All designated deputies of the Director of the Idaho Department of Agriculture are empowered to carry out all the provisions of this quarantine.~~ (~~2-21-72~~)

~~**02. Violation.** Any person violating the provisions of these ~~Order~~ rules ~~will~~ shall be subject to the penalty provisions of Title 22, Chapters ~~19 and~~ 20, Idaho Code.~~ (~~2-21-72~~)(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**02.06.24 - RULES GOVERNING THE JAPANESE BEETLE QUARANTINE RULES (Popillia japonica)**

*(by Provision of Title 22, Chapters 19 and 20, Idaho Code)*

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.24, "Rules Governing the Japanese Beetle (*Popillia japonica*)."  
(9-1-02)T

**02. Scope.** This chapter has the following scope: These rules set forth conditions under which certain nursery stock and sod originating from Japanese beetle infested areas may be allowed to enter into Idaho. (9-1-02)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (9-1-02)T

**003. ADMINISTRATIVE APPEAL.**

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (9-1-02)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**007. FINDINGS.**

The adoption of this rule serves to prevent the introduction in the insect known as the Japanese beetle. This beetle is known to not be established in the state. This insect is known to have in excess of four hundred (400) host plants including sod and turf. The establishment of this pest within the state will be a detriment to the production, marketability, and export of numerous ornamental and field crops. (9-1-02)T

~~008.~~ -- 009. (RESERVED).

**010. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. (9-1-02)T

**011. (RESERVED).**

**0102. REGULATED PEST.**

Japanese beetle; (*Popillia japonica*), a beetle, family Scarabaeidae, which in the larval stage attacks the roots of many plants and as an adult attacks the leaves and fruits of many plants. (7-1-93)(9-1-02)T

~~0113.~~ -- 049. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

200. ~~DISPOSITION OF VIOLATIONS~~ PENALTY.

**01. Penalty.** Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**02. Shipments.** Any or all shipments or lots of quarantined articles or commodities listed in Section 100 above arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner as directed by the Director ~~of the Idaho Department of Agriculture or his agent.~~ Treatment shall be performed at the expense of the owner, or owners, or their duly authorized agent. (7-1-93)(9-1-02)T

---

BREAK IN CHAPTERS

---

02.06.26 - RULES ~~CONCERNING~~ GOVERNING SEED POTATO CROP MANAGEMENT AREAS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter ~~20~~, Idaho Code. (1-2-02)T(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATIONS BY REFERENCE.

~~Sections 22-501 and 22-1002, Idaho Code, are incorporated by reference. Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701 and are also available at the state law library. There are no documents incorporated by reference in this chapter.~~ (1-2-02)T(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

~~01207.~~ FINDINGS.

The adoption of this rule will confer benefits to the seed potato industry. The establishment of Seed Potato Crop Management Areas was requested by the growers in each Seed Potato Crop Management Area pursuant to Section 22-~~1003~~2017, Idaho Code. The proposed rule is necessary to prevent the introduction of pests and diseases of significance into the Seed Potato Crop Management Areas. (1-2-02)T(9-1-02)T

~~0078.~~ -- 009. (RESERVED).

010. DEFINITIONS.

The ~~ISDA~~ Department adopts the definitions set forth in Sections 22-501 and 22-~~2002~~5, Idaho Code and in addition as used in this chapter: (1-2-02)T(9-1-02)T

**01. Cull Potatoes.** Cull potatoes shall be defined as those potatoes not useable for planting or ~~human~~ consumption. (1-2-02)T(9-1-02)T

**02. Grower.** Any person who plants and cultivates more than fifteen one-hundredths (.15) acres of

potatoes within a Seed Potato Crop Management Area. (1-2-02)T

**03. Volunteer Potatoes.** Volunteer potatoes shall be defined as any residue left in a field from previous years of production which has sprouted and is growing. (1-2-02)T

**011. ABBREVIATIONS.**

**01. ICIA.** Idaho Crop Improvement Association. (1-2-02)T

~~**02. ISDA.** Idaho State Department of Agriculture.~~ (~~1-2-02~~)T

~~**0132. -- 019. (RESERVED).**~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**450. VIOLATIONS PENALTY.**

Any person ~~who violates any~~ violating the provisions of ~~this~~ these rules ~~or who interferes with the carrying out of the~~ shall be subject to the penalty provisions ~~of this rule shall be guilty of a civil offense, and may be liable for treble the damages sustained and all costs of the suit including a reasonable attorney's fee. In addition, a civil fine of not more than three thousand dollars (\$3,000) may be imposed per incident of violation, as provided in Idaho Code, Section 22-1006 of Title 22, Chapter 20, Idaho Code.~~ (1-2-02)T(9-1-02)T

---

**BREAK IN CHAPTERS**

---

~~**02.06.29 - IDAHO STATE DEPARTMENT OF AGRICULTURE RULES**~~  
~~**CONCERNING GOVERNING NON-NATIVE PHYTOPHAGOUS SNAILS**~~

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapters ~~19 and~~ 20, Idaho Code. (~~3-19-99~~)9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is ~~the~~ IDAPA 02.06.29, "~~Idaho State Department of Agriculture~~ Rules ~~Concerning~~ Governing Non-Native Phytophagous Snails". (~~3-19-99~~)9-1-02)T

**02. Scope.** This chapter has the following scope: This rule establishes definitions, restricts the shipment of regulated pests and products into the state of Idaho, establishes procedures for the importation of regulated products and regulated pests, and specifies provisions for the disposition of infested products and pests. The official citation of this chapter is IDAPA 02.06.29, et seq. For example, this citation for this section is IDAPA 02.06.29.001.02. (3-19-99)

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**0057. FINDINGS.**

These *implementation of IDAPA 02.06.29, "Idaho State Department of Agriculture Rules Concerning Non-Native Phytophagous Snails,"* will place *a quarantine restrictions* on the introduction and/or distribution of live, non-native, plant-feeding snails and their host material into the state of Idaho. Non-native, plant-feeding snails pose a threat to the Idaho horticultural and agricultural crops. *The Department finds it necessary to make this rule effective immediately.* (3-19-99)(9-1-02)T

**0068. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho State Department of Agriculture adopts the definitions set forth in *Title 22, Chapter 20 Section 22-2005,* Idaho Code. (3-19-99)(9-1-02)T

**011. (RESERVED).**

**0102. REGULATED PESTS.**

**01. Snails.** Any snail that feeds on plants and does not occur naturally in Idaho, including, but not limited to the following: (3-19-99)

- a. The brown garden snail; (Cryptomphalus (Helix) aspersa); (3-19-99)(9-1-02)T
- b. The green or burrowing snail; (Cantareus (Helix) apertus); (3-19-99)(9-1-02)T
- c. The pulmonate snail; (Helix pomatia); (3-19-99)(9-1-02)T
- d. The white garden snail; (Theba pisana); (3-19-99)(9-1-02)T
- e. The giant African snail; (Achattha fulica); (3-19-99)(9-1-02)T
- f. The lactea snail; (Otala lactea); and (3-19-99)(9-1-02)T
- g. Any other species which may be declared by the Director to be a threat to Idaho agricultural crops. (3-19-99)

**02. Native Idaho Species.** Native Idaho species are not included. (3-19-99)

**0143. -- 014. (RESERVED).**

(BREAK IN CONTINUITY OF SECTIONS)

**020. REGULATED ~~PRODUCTS~~ ARTICLES.**

Grass sod and all plants, nursery stock or florist stock with roots in soil are hereby declared to be hosts or possible carriers of the regulated pest and are prohibited entry into the state of Idaho whether directly, indirectly, diverted, or reconsigned, unless there is compliance with Section 030 or exemption under Sections 030 and 035 of this rule.

(~~3-19-99~~)(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**045. PENALTIES ~~AND ENFORCEMENT POWERS.~~**

**01. Enforcement.** All designated agents of the Department are empowered to carry out the provisions of this rule. (~~3-19-99~~)

**021. Penalty.** Any person violating the provisions of the rule may be subject to the penalty provisions of Title 22, Chapters ~~19 and~~ 20, Idaho Code. (~~3-19-99~~)(9-1-02)T

**032. Disposition Of Regulated ~~Products~~ Articles And Regulated Pests In Violation Of This Rule.** All regulated ~~products~~ articles and regulated pests found to be in violation of this rule shall be immediately returned to the point of origin by the Idaho receiver, or, at the receiver's option, be destroyed under the supervision of a representative of the Department, without expense to or indemnity paid by the Department. (~~3-19-99~~)(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**02.06.32 - RULES ~~CONCERNING~~ GOVERNING THE ANTHRACNOSE DISEASE OF LENTIL, LENS CULINARIS MEDIK**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of ~~Sections 22-1905 and 22-1915~~ Title 22, Chapter 20, Idaho Code. (~~3-24-95~~)(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter.

(9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T



**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library.  
(9-1-02)T

**007. FINDINGS.**

Anthracnose is detrimental to the production of lentils and since it can be seed-borne, these rules serve to provide Idaho growers with a seed free of this disease. The adoption of this rule serves to prevent the establishment of the fungal disease known as anthracnose into the state.  
(9-1-02)T

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-~~1904~~2005, Idaho Code.  
(3-24-95)(9-1-02)T

**00511. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. ENFORCEMENT POWERS AND PENALTY PROVISIONS.**

Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code.  
(9-1-02)T

~~01. Director. The Director is empowered to carry out all the provisions of these rules.~~ (3-24-95)

~~02. Penalty. Pursuant to Section 22-1915, Idaho Code, any person who shall violate or fail to comply with any provision of these rules shall be deemed guilty of a civil offense, and may be liable for treble the damages sustained and all cost of the suit including a reasonable attorney's fee. In addition, a civil fine of not more than three thousand dollars (\$3,000) may be imposed per incident of violation. All civil offenses shall be heard in the magistrate division of the district court.~~ (3-24-95)

---

**BREAK IN CHAPTERS**

---

**02.06.35 - RULES CONCERNING GOVERNING ROUGH BLUEGRASS; (Poa Trivialis); ~~QUARANTINE UNDER THE DIVISION OF PLANT INDUSTRIES, BUREAU OF SEED ANALYSIS AND CONTROL~~**

**(BREAK IN CONTINUITY OF SECTIONS)**

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.35, "Rules Concerning Rough Bluegrass; (Poa trivialis); Quarantine Under the Division of Plant Industries, Bureau of Seed Analysis and Control".  
(3-30-01)(9-1-02)T

**02. Scope.** This chapter has the following scope: these rules are to prevent the introduction of rough bluegrass into major Kentucky bluegrass, fescue (Festuca) species, ryegrass (Lolium) species, and bentgrass

(Agrostis) species ~~seed production in the regulated~~ areas as ~~stated~~ defined in Section 00650. The official citation of this chapter is IDAPA 02.06.35.000 ~~through 02.06.35.999~~ et seq. For example, the citation for this section is IDAPA 02.06.35.001. ~~(3-30-01)(9-1-02)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**0067. FINDINGS.**

The seed of the crop known as rough bluegrass is a ~~noxious weed pursuant to~~ pest as defined by Section 22-20035, Idaho Code, and is injurious to Kentucky bluegrass seed production. ~~A rough bluegrass quarantine is established pursuant to Section 67-5226(1), Idaho Code, to confer benefits by preventing the introduction of rough bluegrass into major Kentucky bluegrass seed production areas in Idaho. The amendments are necessary to protect the Kentucky bluegrass, fescue, ryegrass, and bentgrass or redtop seed production areas in Idaho from contamination by rough bluegrass.~~ (3-30-01)(9-1-02)T

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-20035, Idaho Code. In addition, as used in this chapter: (3-20-97)(9-1-02)T

~~01. Director.~~ ~~The Director of the Idaho Department of Agriculture, or his designated agents.~~ (3-20-97)

**021. Grass Species.** All bluegrass (Poa) species, fescue (Festuca) species, ryegrass (Lolium) species, and all bentgrass (Agrostis) species. (3-30-01)

**032. Official Seed Laboratory.** A seed testing laboratory approved by the Director. (3-30-01)

~~04. Person.~~ ~~Any person, individual, firm, partnership, corporation, company, society, or association or every officer, agent or employee thereof.~~ (3-20-97)

**053. Quarantine Release Tag.** A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of rough bluegrass and is eligible for planting in Idaho." (3-30-01)

**064. Representative Sample.** A sample of seed drawn in accordance with IDAPA 02.06.01, Idaho Department of Agriculture, "Rules Governing the Pure Seed Law". (3-30-01)

**075. Rough Bluegrass.** *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. (3-20-97)

**086. Rough Bluegrass Analysis Certificate.** A test report from an official laboratory showing freedom from rough bluegrass. (3-30-01)

**097. Seed Stock.** Those seeds of grass species which are to be planted for seed increase or with intent of seed increase. (3-30-01)

**00511. ROUGH BLUEGRASS QUARANTINE - REGULATED ARTICLES.**  
Those articles which are regulated are seed stocks as defined in Subsection ~~0040~~10.07. (~~3-30-01~~)(9-1-02)T

**00712. -- 049. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**102. ROUGH BLUEGRASS QUARANTINE - INSPECTIONS.**  
The Director shall cause inspections to be made in accordance with the provisions of Section 22-200~~7~~, Idaho Code. (~~3-20-97~~)(9-1-02)T

**01. Infested Seed Stock.** Lots of turf seed stock contaminated with rough bluegrass seeds may be planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it shall be the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery shall be inspected by the Department at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but shall be destroyed upon the order of the Director at the owner's expense. (3-20-97)

**02. Application For Nursery Inspection.** A person shall make application for nursery inspection to the Director at least fourteen (14) days prior to planting. (3-20-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**151. ~~ROUGH BLUEGRASS QUARANTINE - PENALTIES FOR VIOLATION.~~**  
Any person ~~who violates~~ing the ~~terms of this quarantine may be subject to the criminal penalties in Section 22-2004~~ provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (~~3-20-97~~)(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**02.06.36 - RULES GOVERNING KARNAL BUNT DISEASE  
OF WHEAT, RYE, AND TRITICALE**

**000. LEGAL AUTHORITY.**  
This chapter is adopted under the legal authority of ~~Sections 22-1905 and 22-1915~~ Title 22, Chapter 20, Idaho Code. (~~3-20-97~~)(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**0057. FINDINGS.**

*The adoption of IDAPA 02.06.36, "Rules Governing Karnal Bunt Disease of Wheat, Rye, and Triticale," This rule will confer benefits to the Idaho wheat industry. Karnal bunt, a fungal disease of wheat, rye, and triticale, is not known to not exist in Idaho. The disease was first detected in the United States in Arizona, and has subsequently been found in California, New Mexico and Texas. Idaho obtains wheat, rye, and triticale seeds from Arizona. In order to prevent the introduction of Karnal bunt contaminated wheat, rye, or triticale seeds into Idaho, the Department finds it necessary to make this rule effective immediately. If allowed, the establishment of this disease in Idaho will seriously affect the marketability and export of Idaho-grown wheat, rye and triticale. (3-20-97)(9-1-02)T*

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-~~1904~~2005, Idaho Code. (3-20-97)(9-1-02)T

**00611. -- 049. (RESERVED).**

(BREAK IN CONTINUITY OF SECTIONS)

**150. VIOLATIONS PENALTY.**

Any person violating any provisions of these rules shall be subject to the penalty provisions of Title 22, Chapter ~~1920~~, Idaho Code. (3-20-97)(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**02.06.38 - RULES GOVERNING ~~THE~~ PLUM CURCULIO ~~QUARANTINE~~ (Conotrachelus nenuphar)**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of ~~Sections 22-1905 and 22-1915~~ Title 22, Chapter 20, Idaho Code.  
(3-23-98)(9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.38, "Rules Governing ~~the~~ Plum Curculio ~~Quarantine~~ (Conotrachelus nenuphar)".  
(3-23-98)(9-1-02)T

**02. Scope.** This chapter has the following scope: this quarantine will restrict the shipment of regulated articles from regulated areas into Idaho. The official citation for this chapter is IDAPA 02.06.38.000 et seq. For example, this section's citation is IDAPA 02.06.38.001.  
(3-23-98)(9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State Law Library. (9-1-02)T

**0057. FINDINGS.**

The adoption of IDAPA 02.06.38, "Rules Governing ~~the~~ Plum Curculio ~~Quarantine~~ (Conotrachelus nenuphar)," will confer benefits to the fruit industry. The Plum curculio is a weevil known to infest many types of fruit including those listed in Subsection 150.01 of this rule. This insect is not currently known to be established in Idaho, ~~but is established in our neighboring state of Utah. In order to prevent the introduction of the Plum curculio in the state and ensure a continuing and viable export market for Idaho grown fruit, the Department finds it necessary to make this rule effective immediately.~~  
(3-23-98)(9-1-02)T

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-~~1904~~2005, Idaho Code.  
(3-23-98)(9-1-02)T

**00611. -- 049. (RESERVED).**

**050. REGULATED PEST.**

Plum curculio; (Conotrachelus nenuphar (Coleoptera: Curculionidae)), ~~is a native weevil found throughout the eastern United States, and Canada and in limited areas of Utah. It is a common and serious pest of all stone fruits and, to a lesser extent, of apple and pear. The larvae live within the fruit of their host plants.~~ (3-23-98)(9-1-02)T

(BREAK IN CONTINUITY OF SECTIONS)

250. **VIOLATIONS PENALTY.**

Any person violating any provision of these rules shall be subject to the penalty provisions of Title 22, Chapter ~~1920~~,  
Idaho Code. ~~(3-23-98)~~(9-1-02)T

---

**BREAK IN CHAPTERS**

---

**02.06.40 - RULES ~~RELATING TO~~ GOVERNING GINSENG CROP  
MANAGEMENT AREA FOR MAGIC VALLEY**

000. **LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of ~~Section 22-1003~~ Title 22, Chapter 20, Idaho Code.  
~~(3-30-01)~~(9-1-02)T

001. **TITLE AND SCOPE.**

01. **Title.** The title of this chapter is IDAPA 02.06.40, "Rules ~~Relating to~~ Governing Ginseng Crop  
Management Area for Magic Valley". ~~(3-30-01)~~(9-1-02)T

02. **Scope.** This chapter has the following scope: (3-30-01)

a. Establish definitions; (3-30-01)

b. Provide for licensing and registration of persons growing, purchasing and selling ginseng;  
(3-30-01)

c. Provide for inspections and accounting for all ginseng exported from Idaho; (3-30-01)

d. Specify the records to be kept by ginseng growers and dealers; and (3-30-01)

e. Provide a schedule of fees for services performed in implementing these rules. (3-30-01)

**f.** The official citation for this Chapter is IDAPA 02.06.40.000 et seq. For example, this section's  
citation is IDAPA 02.06.40.001. ~~(9-1-02)T~~

(BREAK IN CONTINUITY OF SECTIONS)

004. **INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

005. **OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET 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. ~~(9-1-02)T~~

02. **Mailing Address.** The mailing address for the central office is Idaho State Department of  
Agriculture, P.O. Box 790, Boise, Idaho 83701. ~~(9-1-02)T~~

- 03.** **Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**0057. FINDINGS.**

*Ginseng growers in the Magic Valley petitioned the department to establish a ginseng crop management area. Pursuant to Section 22-1003, Idaho Code, a public hearing, conducted by a Hearing Officer, was held in Burley, Idaho. These new rules are based on the decision of the director to establish a Ginseng Crop Management Area for Magic Valley as recommended by the Hearing Officer. The trade in threatened and endangered species is controlled by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) through the United States Fish and Wildlife Service (USFWS). Species, such as ginseng although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival. The adoption of IDAPA 02.06.40, "Rules Relating to Ginseng Crop Management Area for Magic Valley," These rules will satisfy the USFWS rules and allow ginseng growers in Idaho to export their product.* (3-30-01)(9-1-02)T

**008. -- 009. (RESERVED).**

**00410. DEFINITIONS.**

The Idaho State Department of Agriculture adopts the *following* definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: (3-30-01)(9-1-02)T

**01. Cultivated Ginseng.** *Means a* Any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng. (3-30-01)(9-1-02)T

**02. Dealer.** *Means a* Anyone who buys ginseng for resale, or grows and sells it for export. This definition does not apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States. (3-30-01)(9-1-02)T

**03. Dealer Registration.** *Means a* An annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng for resale or export. (3-30-01)(9-1-02)T

**04. Department.** *Means the Idaho state department of agriculture.* (3-30-01)

**05. Director.** *Means the director of the Idaho state department of agriculture.* (3-30-01)

**064. Dry Weight.** *Means t* The weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable. (3-30-01)(9-1-02)T

**075. Export.** *Means o* Outside the boundaries of the United States. (3-30-01)(9-1-02)T

**086. Ginseng.** *Means a* Any and all parts of the plant known as American ginseng (*Panax quinquefolius*) including but not limited to: (3-30-01)(9-1-02)T

- a. Plants; (3-30-01)
- b. Whole roots; (3-30-01)
- c. Essentially intact roots; (3-30-01)
- d. Root chunks; (3-30-01)

- e. Slices; (3-30-01)
- f. Seeds; and (3-30-01)
- g. Tissue. (3-30-01)
- ~~097.~~ **Green Ginseng.** ~~Means a~~ Ginseng root from which the moisture has not been removed by drying. ~~(3-30-01)(9-1-02)T~~
- ~~108.~~ **Green Weight.** ~~Means f~~ The weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable. ~~(3-30-01)(9-1-02)T~~
- ~~109.~~ **Grower.** ~~Means a~~ A person who grows “cultivated,” “wild simulated,” and or “woodsgrown” ginseng, and sells it to a dealer. ~~(3-30-01)(9-1-02)T~~
- ~~120.~~ **Grower Registration.** ~~Means a~~ An annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced. ~~(3-30-01)(9-1-02)T~~
- ~~131.~~ **Out-Of-State Ginseng.** ~~Means g~~ Ginseng that is grown or originated outside the state of Idaho. ~~(3-30-01)(9-1-02)T~~
- ~~142.~~ **Person.** ~~Means a~~ An individual, partnership, corporation, firm, association or agent. ~~(3-30-01)(9-1-02)T~~
- ~~153.~~ **Wild Ginseng.** ~~Means g~~ Ginseng growing naturally within its native range. ~~(3-30-01)(9-1-02)T~~
- ~~164.~~ **Wild Simulated Ginseng.** ~~Means w~~ Wild ginseng seeds or roots planted in natural habitat, within the natural range, in suitable ginseng habitat that is not further cultivated. ~~(3-30-01)(9-1-02)T~~
- ~~175.~~ **Woodsgrown Ginseng.** ~~Means g~~ Ginseng grown in managed beds under natural shade. ~~(3-30-01)(9-1-02)T~~
- ~~00711.~~ -- 049. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**453. VIOLATIONS PENALTY.**

Any person violating any provisions of these rules shall be subject to the penalty provisions of Section 22-1006 Title 22, Chapter 20, Idaho Code. ~~(3-30-01)(9-1-02)T~~



**IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE**

**02.06.01 - RULES GOVERNING THE PURE SEED LAW**

**DOCKET NO. 02-0601-0101**

**NOTICE OF RESCISSION OF TEMPORARY RULE**

**AUTHORITY:** In compliance with Section 67-5221, 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency will rescind the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 22-418(4), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for rescinding the temporary rule.

This temporary rule was replaced by a new temporary and proposed fee rule: Docket No. 02-0601-0201, published June 5, 2002, Vol. 02-6, pages 13 through 18.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the rescission of this temporary rule, contact Michael E. Cooper, Acting Administrator, Division of Plant Industries at (208) 332-8620 or Richard Lawson, Bureau Chief, Division of Plant Industries at (208) 332-8630.

DATED this 21<sup>st</sup> day of August, 2002.

Patrick A. Takasugi  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8503  
Fax: (208) 334-2170

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.06 - BACTERIAL DISEASES OF BEANS, *PHASEOLUS* SPECIES**

**DOCKET NO. 02-0606-0201**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**  
**(REPEAL OF CHAPTER)**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2002.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 22, Chapter 20, 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 October 16, 2002.

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:

Because numerous changes must be made, it is best to repeal the original IDAPA 02.06.06 in its entirety and replace it with a new chapter.

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

The repeal and rewrite of this chapter will confer a benefit to the Idaho Bean Industry.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted regarding the repeal and rewrite of this chapter (see Docket No. 02-0606-0202 following this notice).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620 or Garry West, Program Manager at (208) 736-2195.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Patrick A. Takasugi  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83701  
Phone: (208) 332-8503 / Fax: (208) 334-2170

---

**IDAPA 02.06.06 IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.06 - RULES GOVERNING THE PLANTING OF BEANS,**  
**(PHASEOLUS) SPECIES, IN IDAHO**

**DOCKET NO. 02-0606-0202 (FEE RULE)**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2002.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 22, Chapter 20, 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 16, 2002.

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:

Because numerous changes must be made, it is best to repeal the original IDAPA 02.06.06 in its entirety and replace it with a new chapter. The title of the rules will be changed to: "Rules Governing the Planting of Beans, (Phaseolus) Species, in Idaho;" add sections required by the Office of Administrative Rules; update the nomenclature of the bacterial pathogens; repeal the reference to the Memorandum of Understanding between the Idaho State Department of Agriculture and the University of Idaho concerning plant pathology laboratory testing procedures; and add a late fee for applications received after July 1 of each year.

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

The principal change is the addition of a new disease (Anthracnose) to the list of regulated pests because the disease has been found in beans in the upper mid-west. This will confer a benefit to the Idaho Bean Industry.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The fees charged for field inspections and applications remain the same as the original IDAPA 02.06.06 with the addition of a ten dollar (\$10) fee per application for field inspection applications received after July 1 of each year. The Department does not expect to collect more than one to two thousand dollars (\$1,000 - \$2,000) during the initial phase of the 2003 field inspection season and less in subsequent years.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. This rule was made with input from representatives of the Idaho-Eastern Oregon Blight and Pest Control Committees, Western Bean Dealers Association, University of Idaho, Idaho Bean Commission, South Central Idaho Blight Control Association, Contract Bean Growers, and Southwest Idaho/Malheur County Blight Association at a meeting held in Filer, Idaho on July 23, 2002.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Acting Administrator at (208) 332-8620 or Garry West, Program Manager at (208) 736-2195.

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 23, 2002.

DATED this 21st day of August, 2002.

Patrick A. Takasugi  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83701  
Phone: (208) 332-8503 / Fax: (208) 334-2170

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0606-0201**

**IDAPA 02**  
**TITLE 06**  
**Chapter 06**

**IDAPA 02.06.06 - RULES GOVERNING THE PLANTING OF BEANS,**  
**(*PHASEOLUS*) SPECIES, IN IDAHO**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.06.06, "Rules Governing the Planting of Beans, (*Phaseolus*) Species, in Idaho." (9-1-02)T

**02. Scope.** These rules will govern the planting of beans, (*Phaseolus*) species, in Idaho. The official citation for this Chapter is IDAPA 02.06.06.000 et seq. For example, this section's citation is IDAPA 02.06.06.001. (9-1-02)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (9-1-02)T

**003. ADMINISTRATIVE APPEAL.**

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (9-1-02)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (9-1-02)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET 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. (9-1-02)T

**02. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (9-1-02)T

**03. Street Address.** The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-02)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Department and the State law library. (9-1-02)T

**007. FINDINGS.**

The revision of IDAPA 02.06.06 will confer benefits to the bean industry. Anthracnose is a pest of beans which is not known to be established in Idaho bean production fields. The adoption of the new nomenclature for the regulated pests will clarify the identity of the bacterial pathogens of quarantine significance. (9-1-02)T

**008. -- 009. (RESERVED).**

**010. DEFINITIONS.**

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: (9-1-02)T

**01. Department.** Idaho State Department of Agriculture. (9-1-02)T

**02. Department Approved Tag (Yellow Tag).** A tag issued by the Department to seed lots produced west of the Continental Divide in the contiguous United States. The seed lot must be accompanied by a phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases the crop was inspected for, that must include the regulated pests as defined in Section 012 of these rules and be based on growing season and windrow inspections. Seed lots must pass laboratory testing done by the Department on samples drawn in Idaho by the Department. (9-1-02)T

**03. Department In-State Planting Tag (Green Tag).** A tag issued by the Department to seed lots in compliance with growing season and windrow inspections in Idaho. (9-1-02)T

**04. Detailed Varietal Planting Plan.** A plan that shows the variety name, seed lot number, In-state planting tag number (State Number) if applicable, pounds planted, acres planted, origin of seed, and the results of laboratory testing. (9-1-02)T

**05. Director.** Director of the Idaho State Department of Agriculture or his duly authorized representative. (9-1-02)T

**06. Experimental Plots.** Subdivisions of trial grounds used for the introduction of seed otherwise ineligible for planting in Idaho. (9-1-02)T

**07. Farmstead.** All land farmed in common with the land upon which the trial ground is located. (9-1-02)T

**08. ICIA Tag.** A tag issued by ICIA provided that the lot was field and windrow inspected by ICIA in accordance with these rules. (9-1-02)T

**09. In-State Planting Tag Number (State Number).** A number assigned by the Department to each lot which has successfully passed the Department's field and windrow inspection requirements in which no regulated pests were found. (9-1-02)T

**10. Introduction Plots.** Subdivisions of trial grounds used for the introduction or increase of bean seed. (9-1-02)T

**11. Oregon Department Of Agriculture Inspection Tag.** A tag issued to seed lots produced in Malheur County, Oregon which were inspected in the growing season and in the windrow by the Oregon Department of Agriculture for the regulated pests as defined in Section 012 of these rules. (9-1-02)T

**12. Rill Irrigation.** A method of applying non-pressurized irrigation water to crops in a free flow manner by using a series of ditches, canals, siphon tubes, and gated pipe utilizing gravity as means of conveyance within the field. (9-1-02)T

**13. Seed Lot.** A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for factors that appear in the labeling. (9-1-02)T

**14. Sprinkler Irrigation.** An overhead water delivery system used to disperse irrigation water to crops in a designated pattern utilizing a pump, a network series of pipes and delivering water under a controlled pressure in a predetermined quantity. (9-1-02)T

**15. Trial Grounds.** Parcels of land located on one (1) farmstead set aside for the purpose of research testing or introduction of bean seed. (9-1-02)T

**16. True Identity Of Seed Lot.** True identity of seed lot is recorded using information provided by the applicant on the application for field inspection or on the detailed varietal planting plan and harvest records. The true identity of the seed lot is maintained by the Department after the applicant has finalized the harvest information and provided such to the Department. (9-1-02)T

**17. Windrow Inspection.** An inspection procedure performed on a seed crop prior to harvest but after the crop has been cut and allowed for curing or drying out. (9-1-02)T

**011. ABBREVIATIONS.**

**01. ICIA.** Idaho Crop Improvement Association. (9-1-02)T

**02. ISDA.** Idaho State Department of Agriculture. (9-1-02)T

**012. REGULATED PESTS.**

**01. Anthracnose.** Caused by (*Colletotrichum lindemuthianum*), (*Glomerella lindemuthiana*). (9-1-02)T

**02. Bacterial Wilt.** Caused by (*Curtobacterium flaccumfaciens pv. flaccumfaciens*), (*Corynebacterium flaccumfaciens*). (9-1-02)T

**03. Brown Spot.** Caused by (*Pseudomonas syringae pv. syringae*), (*P. syringae*). (9-1-02)T

**04. Common Blight.** Caused by (*Xanthomonas axonopodis pv. phaseoli*), (*X. phaseoli*), (*X. phaseoli var. fuscans*). (9-1-02)T

**05. Halo Blight.** Caused by (*Pseudomonas savastanoi pv. phaseolicola*), (*P. phaseolicola*). (9-1-02)T

**013. -- 049. (RESERVED).**

**050. REGULATED ARTICLES.**

All seed and growing plants of (*Phaseolus*) species, from any source, being grown or planted within the state of Idaho. (9-1-02)T

**051. -- 099. (RESERVED).**

**100. AUTHORITY TO ENTER AND INSPECT.**

The Department has the authority to conduct inspections – entry on lands pursuant to Section 22-2007, Idaho Code. (9-1-02)T

**101. -- 149. (RESERVED).**

**150. INSPECTION.**

All seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or ICIA for growing season and windrow inspections. (9-1-02)T

- 01. Application For Inspection.** (9-1-02)T
- a.** Deadline for Submission. Received by the Department on or before July 1 of each year. (9-1-02)T
- b.** Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. (9-1-02)T
- c.** Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. (9-1-02)T
- 02. Active Growth Inspection.** Unless the Director, in his sole discretion, deems additional inspections are necessary, the bean seed for replanting will be inspected as follows: (9-1-02)T
- a.** Fields under rill irrigation - at least once. (9-1-02)T
- b.** Fields under sprinkler irrigation - at least twice. (9-1-02)T
- 03. Windrow Inspection.** (9-1-02)T
- a.** Number of inspections – at least once. (9-1-02)T
- b.** The Director may authorize qualified personnel to perform windrow inspections under the supervision of the Department. (9-1-02)T
- 151. -- 199. (RESERVED).**
- 200. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO.** (9-1-02)T  
In order to be eligible for planting bean seed in Idaho:
- 01. Idaho Grown Seed.** Seeds planted must be from a lot that has an in-state planting tag number (state number) assigned by the Department based on growing season and windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. (9-1-02)T
- 02. Malheur County, Oregon Grown Seed.** Bean seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and in the windrow for the regulated pests as defined in Section 012 of these rules and tagged by the Oregon Department of Agriculture. (9-1-02)T
- 03. Imported Seed Grown West Of The Continental Divide In The Contiguous United States.** Imported bean seed grown west of the Continental Divide in the contiguous United States must: (9-1-02)T
- a.** Be accompanied by a phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests as defined in Section 012 of these rules, and stating that the crop was field and windrow inspected; (9-1-02)T
- b.** Seed lot shall successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department; (9-1-02)T
- c.** Must bear a Department approved tag (yellow); (9-1-02)T
- d.** Shall not be planted under sprinkler irrigation; and (9-1-02)T
- e.** Each field planted in Idaho must be submitted for field and windrow inspections. (9-1-02)T
- 04. Imported Seed Grown East Of The Continental Divide In The Contiguous United States Or**

**Of Foreign Origin.** Imported bean seed grown east of the Continental Divide in the Contiguous United States or of foreign origin to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250. (9-1-02)T

**05. Idaho Grown Seeds Shipped East Of The Continental Divide In The Contiguous United States Or To A Foreign Country And Returned.** Bean seeds shipped east of the Continental Divide in the contiguous United States or to a foreign country may be returned to Idaho but upon return shall be planted on an approved trial ground as outlined in Section 250. (9-1-02)T

**06. Contaminated Seeds.** The seeds from any bean field found or known to be contaminated with a regulated pest, as defined in Section 012 of these rules, shall not be planted in Idaho. (9-1-02)T

**07. True Identity Of Seed Lots.** Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. (9-1-02)T

**08. Tags.** Bean seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: (9-1-02)T

**a.** Department in-state planting tag (green tag); (9-1-02)T

**b.** Department approved tag (yellow tag); (9-1-02)T

**c.** ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; or (9-1-02)T

**d.** Oregon Department of Agriculture inspection tag. (9-1-02)T

**09. Irrigation.** (9-1-02)T

**a.** Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, Black Turtles, and Lima beans: (9-1-02)T

**i.** First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (9-1-02)T

**ii.** Thereafter, the seed may be grown and inspected for two (2) consecutive generations in Idaho under sprinkler irrigation. (9-1-02)T

**iii.** Seed grown under sprinkler irrigation for two (2) consecutive generations shall then be grown and inspected for one (1) generation in Idaho under rill irrigation. (9-1-02)T

**b.** Cranberry types, Taylor Horticultural types, and Borlotto types: (9-1-02)T

**i.** First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (9-1-02)T

**ii.** Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. (9-1-02)T

**iii.** To be eligible for a second consecutive planting of seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (9-1-02)T

**iv.** Following the second consecutive planting of seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (9-1-02)T



- v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be grown and inspected for one (1) generation in Idaho under rill irrigation. (9-1-02)T
- c. All other beans: (9-1-02)T
  - i. First two (2) generations of seed grown in Idaho must be grown and inspected under rill irrigation. (9-1-02)T
  - ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. (9-1-02)T
  - iii. Following any generation of seed grown under sprinkler irrigation in Idaho, the seed must be grown and inspected for two (2) consecutive generations in Idaho under rill irrigation. (9-1-02)T

**201. -- 249. (RESERVED).**

**250. TRIAL GROUNDS.**

- 01. General Trial Ground Requirements.** (9-1-02)T
  - a. A written request for trial ground must be submitted to the Director for approval prior to May 20 of the year the bean seed will be planted and must contain: (9-1-02)T
    - i. Name of person in charge. (9-1-02)T
    - ii. Geographic location and size of trial ground. (9-1-02)T
    - iii. Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the trial ground must notify the Director. (9-1-02)T
  - b. Must be jointly supervised by the Department and personnel approved by the Director. (9-1-02)T
  - c. The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany the application. (9-1-02)T
  - d. More than one (1) trial ground may be approved provided that a separate application is submitted and each trial ground meets the requirements of Section 250. (9-1-02)T
- 02. Trial Ground Subdivisions.** (9-1-02)T
  - a. Experimental Plots. A maximum of one (1) pound of bean seed per variety may be planted in an experimental plot without laboratory testing. (9-1-02)T
  - b. Introduction Plots. Introduction plots are limited to a maximum of two (2) acres per variety for any given year. (9-1-02)T
- 03. Trial Ground Restrictions And Inspection Procedures.** (9-1-02)T
  - a. Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. (9-1-02)T
  - b. Approved trial grounds shall not be planted under sprinkler irrigation. (9-1-02)T
  - c. During each growing season there will be a minimum of four (4) active growth inspections and one (1) windrow inspection. (9-1-02)T

**04. Detection Of Regulated Pest.** If a regulated pest is found by field inspection, windrow inspection or subsequent laboratory seed testing, the infested seed must be destroyed. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. (9-1-02)T

**251. -- 299. (RESERVED).**

**300. SPECIAL SITUATIONS.**

The Director may grant specific exemptions for research purposes for the planting of beans that do not meet the requirements of Sections 200 or 250. Seed not meeting the requirements of Sections 200 or 250 must be planted only in counties where commercial beans or bean seed is not produced, as determined by the Director. (9-1-02)T

**301. -- 349. (RESERVED).**

**350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.**

**01. Reporting.** Any person may report to the Department the detection of any of the regulated pests. (9-1-02)T

**02. Observation.** Detection of regulated pests will be based on the observance of symptoms in the field. (9-1-02)T

**03. Disagreement.** In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to (*Phaseolus*) species, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The results and findings obtained by the approved pathologist are final. (9-1-02)T

**04. Release Of Information.** When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request. (9-1-02)T

**351. -- 399. (RESERVED).**

**400. DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.**

**01. Quarantine.** Any field in which there is a disagreement concerning the identity of the regulated pest or the virulence of the pathogen to (*Phaseolus*) species will be placed under quarantine. Entry to the quarantined area will be restricted to the grower or his agents, Department officials, University of Idaho plant pathologists, and persons authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all necessary sanitary precautions prescribed by the Director. (9-1-02)T

**02. Destruction.** Upon the confirmation of a regulated pest, any bean fields within the boundaries of the state shall be destroyed in part or in total, as required by the Director, to eliminate the pest at the expense of the grower and his landlord. The Director will notify the grower or his landlord of the method and extent of the destruction and safeguards against pest spread in order for the parties to comply. (9-1-02)T

**03. Threshing And Segregating.** When the symptoms of a regulated pest are first detected during windrow inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated until laboratory results are obtained. (9-1-02)T

**401. -- 449. (RESERVED).**

**450. EXEMPTIONS.**

**01. Brown Spot.** Fields contaminated with brown spot, (*Pseudomonas syringae pv. syringae*), are exempt from destruction. The Department will review this exemption as necessary. (9-1-02)T

**02. Beans For Processing Or Fresh Consumption.** Snap beans or lima beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01 and the crop residue is promptly and completely destroyed after harvest, as required by the Director. (9-1-02)T

**451. -- 499. (RESERVED).**

**500. PENALTY.**

Any person violating any of the provisions of these rules will be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (9-1-02)T

**501. -- 549. (RESERVED).**

**550. FEES AND CHARGES.**

The fees and charges for tags and inspections under these rules are: (9-1-02)T

**01. Tags.** Green tags or Yellow tags for In-State Planting Purposes - Twelve cents (\$0.12) per hundredweight. (9-1-02)T

**02. Applications.** (9-1-02)T

**a.** Application for Field Inspection - Three dollars (\$3) each. (9-1-02)T

**b.** Late Application for Field Inspection – Ten dollars (\$10) each. (9-1-02)T

**03. Field Inspections.** (9-1-02)T

**a.** Active Growth Inspection Fees. (9-1-02)T

**i.** Seed from west of the United States Continental Divide - Three dollars and fifty cents (\$3.50) per acre, per inspection. (9-1-02)T

**ii.** Seed from east of the United States Continental Divide or a foreign country - Seven dollars and fifty cents (\$7.50) per acre, per inspection. (9-1-02)T

**b.** Windrow Inspection Fees. (9-1-02)T

**i.** Done by the Department - Three dollars and fifty cents (\$3.50) per acre. (9-1-02)T

**ii.** Seed company supplies one (1) employee and transportation - Two dollars (\$2.00) per acre. (9-1-02)T

**iii.** Seed company supplies two (2) employees and transportation - One dollar and fifty cents (\$1.50) per acre. (9-1-02)T

**iv.** Seed company supplies three (3) employees and transportation - One dollar (\$1.00) per acre. (9-1-02)T

**v.** Seed company supplies four (4) or more employees and transportation - No charge. (9-1-02)T

**vi.** Requests for windrow inspections after office hours, on weekends or holidays will be charged at cost plus mileage. (9-1-02)T

**04. Laboratory Seed Sampling.** Official Sample - Twelve dollars (\$12) per sample. Sample size requirements for imported seed: (9-1-02)T

<b>Lot size</b>	<b>Sample Size</b>
<10 pounds	Negotiable
10 – 14 pounds	0.5 pounds
15 – 25 pounds	1.0 pounds
26 – 50 pounds	1.5 pounds
51 – 200 pounds	2.0 pounds
201 – 1,000 pounds	3.0 pounds
>1,001 pounds	5.0 pounds for every 10,000 pounds or portion thereof

(9-1-02)T

**05. Plant Pathological Laboratory Services.** Fees will be charged at current laboratory rates and are available upon request. (9-1-02)T

**06. Confirmation Fees.** Confirmation of the identity of the causal organism by the University of Idaho plant pathologists. The party disputing the Department's determination of the presence of a regulated pest will be responsible for the payment of fees charged by the University of Idaho. (9-1-02)T

**551. -- 999. (RESERVED).**

**IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS**

**05.01.03 - RULES OF THE CUSTODY REVIEW BOARD**

**DOCKET NO. 05-0103-0201**

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

**EFFECTIVE DATE:** The effective date of this rule is January 1, 2003.

**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 20-504, and 20-520(1)(q), Idaho Code.

**PUBLIC HEARING SCHEDULE:** No public hearings are scheduled at this time. However, 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 16, 2002.

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

**DESCRIPTIVE SUMMARY:** Section 20-520(1)(q), Idaho Code, was amended in 2002 to create a Custody Review Board within the Idaho Department of Juvenile Corrections. These rules implement the board, its operations and procedures as required by law. The board shall hold hearings to review the cases of any juvenile meeting referral criteria and shall deliver an opinion to the department's director whether or not that juvenile is appropriate for extended time in custody, beyond age nineteen (19).

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

For the protection of the public health, safety, or welfare; and to be in compliance with deadlines in amendments to governing law or federal programs.

**FEE SUMMARY:** There is no fee or charge imposed by this rule.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking will be conducted by distributing information to juvenile justice stakeholders throughout the state of Idaho.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OR WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Nancy Bishop at (208) 334-5100 ext. 384.

Any one may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2002

DATED this 20th day of August, 2002.

Nancy S. Bishop  
Deputy Attorney General  
Department of Juvenile Corrections  
P.O. Box 83720, Boise, ID 83720-0285  
Phone (208) 334-5100 ext. 384 Fax (208) 334-5120

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 05-0103-0201**

**IDAPA 05**  
**TITLE 01**  
**Chapter 03**

**05.01.03 – RULES OF THE CUSTODY REVIEW BOARD**

**000. LEGAL AUTHORITY.**

**01. Section 20-520(1)(q), Idaho Code.** Pursuant to Section 20-520(1)(q), Idaho Code, the Idaho Department of Juvenile Corrections shall adopt rules implementing the Custody Review Board and operations and procedures of such board. (1-1-03)T

**02. Section 20-532, Idaho Code.** Pursuant to Section 20-532, Idaho Code, a juvenile offender committed to a secure facility shall remain until the offender reaches nineteen (19) years of age, is retained for extended custody pursuant to Section 20-520(1)(q), Idaho Code, or is released or discharged. (1-1-03)T

**03. Section 20-504(11), Idaho Code.** Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Title 67, Chapter 52, Idaho Code, as are deemed necessary or appropriate for the function of the department and the implementation and administration of the Juvenile Corrections Act. (1-1-03)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 05.01.03, "Rules of the Custody Review Board". (1-1-03)T

**02. Scope.** These rules are established to ensure that the juvenile corrections system in Idaho and the Custody Review Board will be consistently based on the following principles: accountability, community protection, and competency development. (1-1-03)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements, including board bylaws, which pertain to the interpretation of these rules. Such documents will be available for public inspection and copying at cost at the Idaho Department of Juvenile Corrections, 400 N. 10th St., 2nd Floor, P.O. Box 83720, Boise, Idaho 83720-0285. (1-1-03)T

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for appeal of the opinion of the Custody Review Board. (1-1-03)T

**004. INCORPORATION BY REFERENCE**

There are no documents incorporated by reference into these rules. (1-1-03)T

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

The Idaho Department of Juvenile Corrections is located at 400 N. 10th St., 2nd Floor, Boise, Idaho 83720. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. Mail regarding the Idaho Department of Juvenile Corrections rules should be directed to 400 N. 10th St., 2nd Floor, P.O. Box 83720, Boise, Idaho 83720-0285. The telephone of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. The facsimile number of the office is (208) 334-5120. (1-1-03)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The records associated with the Custody Review Board are juvenile records of the Idaho Department of Juvenile Corrections, and are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (1-1-03)T

**007. -- 009. (RESERVED).**

**010. DEFINITIONS.**

- 01. Board.** The Custody Review Board of the Idaho Department of Juvenile Corrections. (1-1-03)T
- 02. Case Management Team.** A team consisting of juvenile services coordinator (JSC), case manager, and juvenile probation officer (JPO) who provide input in setting and following through with treatment goals. (1-1-03)T
- 03. Case Manager.** Department staff assigned to directly manage a juvenile's case, such as a group leader at a state institution; or, if a juvenile is placed at a contract program, the contract provider's employee assigned to directly manage a juvenile's case. (1-1-03)T
- 04. Classification.** A process for determining the needs and requirements of juveniles for whom commitment has been ordered, and for assigning them to housing units or programs according to their needs and existing resources. (1-1-03)T
- 05. Commit.** Commit means to transfer legal custody. (1-1-03)T
- 06. Court.** Means any Idaho district court or magistrate's division thereof. (1-1-03)T
- 07. Director.** The director of the Idaho Department of Juvenile Corrections. (1-1-03)T
- 08. Department.** The Idaho Department of Juvenile Corrections. (1-1-03)T
- 09. Extended Time In Custody.** Any period of time a juvenile remains in custody after age nineteen (19) and not to exceed age twenty-one (21). (1-1-03)T
- 10. Incident Report.** A written document reporting an unusual occurrence or special event such as the discovery of contraband, use of physical force, use of chemical agents, discharge of firearms, and action taken including notation of strip and cavity searches. (1-1-03)T
- 11. Juvenile.** A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (1-1-03)T
- 12. Juvenile Records.** Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence. (1-1-03)T
- 13. Juvenile Services Coordinator (JSC).** An employee of the department who is assigned to a particular juvenile as the case worker, certified in social work. (1-1-03)T
- 14. Legal Guardian.** A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner, or operator of a detention center, observation and assessment center, secure facility, residential facility, or other facility having temporary or long-term physical custody of the juvenile offender. (1-1-03)T

**015. – 099. (RESERVED).**

**100. GENERAL PROVISIONS.**

- 01. Hearings.** All matters concerning juveniles, before the Custody Review Board, are confidential and shall be conducted in accordance with Section 67-2341(1), (4), and (5), Idaho Code; Title 9, Chapter 3, Idaho Code; and Title 20, Chapter 5, Idaho Code, regarding juvenile records and proceedings. (1-1-03)T

**02. Written Record.** A written record of the vote by the Custody Review Board shall be kept confidential and privileged from disclosure, to the extent allowed by law, and provided that the record, or portions thereof, shall be made available upon request, for all lawful purposes or as required by the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (1-1-03)T

**03. Confidentiality.** Distribution of the record by the Custody Review Board or an employee of the Idaho Department of Juvenile Corrections to any person not specifically allowed by law to receive or read it may result in disciplinary action. (1-1-03)T

**04. Records Of Hearings And Meetings.** Summary minutes of individual hearings and case reviews will be approved and signed by the board members and maintained in the department office. (1-1-03)T

#### **101. POWERS AND DUTIES.**

**01. Review.** The Custody Review Board is empowered by Sections 20-520(1)(q) and 20-532, Idaho Code, to review the cases of juveniles in the custody of the department whose cases have been referred to the board according to Section 201 of these rules. (1-1-03)T

**02. Board Opinions.** After conducting its review, the Custody Review Board shall advise the department's director whether, in their opinion, the juvenile before them needs an extended time in custody to address accountability, community protection, and competency. (1-1-03)T

**03. Indeterminate Sentence Remains.** The Custody Review Board cannot direct the placement, treatment or final release decision of a juvenile in the department's custody, and any determination by the board that extended time in custody is needed by a juvenile shall not create a determinate sentence of any kind. (1-1-03)T

#### **102. STRUCTURE AND COMPOSITION OF THE CUSTODY REVIEW BOARD.**

**01. Board Members.** (1-1-03)T

**a.** The board is composed of four (4) members, each of whom shall be appointed by the director of the department. (1-1-03)T

**b.** The director shall select appointees who represent a variety of juvenile justice experiences and victim perspectives, or who are otherwise qualified. (1-1-03)T

**02. Terms Of Appointment.** (1-1-03)T

**a.** The first term of appointment shall be staggered as follows: (1-1-03)T

**i.** An appointee shall serve for a term of one (1) year; (1-1-03)T

**ii.** An appointee shall serve for a term of two (2) years; (1-1-03)T

**iii.** An appointee shall serve for a term of three (3) years; and (1-1-03)T

**iv.** An appointee shall serve for a term of four (4) years. (1-1-03)T

**b.** The terms of these initial board members shall be identified in each appointment. (1-1-03)T

**c.** The director shall fill each succeeding vacancy for terms of four (4) years. Vacancies in the board for unexpired terms shall be by appointment by the director for the remainder of the term. All appointees may be reappointed. (1-1-03)T

**03. Compensation Of Board Members.** Members shall be compensated as provided by Section 59-509(b), Idaho Code. They shall serve without honorarium or compensation but shall be reimbursed for actual and necessary expenses, subject to the limits provided in Section 67-2008, Idaho Code. (1-1-03)T



**04. Removal From Board.** The director may remove any member from the board for neglect of duty required by law, for incompetence, for breaches of confidence or for unprofessional or dishonorable conduct. (1-1-03)T

**103. -- 199. (RESERVED).**

**200. REVIEW PROCESS.**

A juvenile in the custody of the Idaho Department of Juvenile Corrections does not have the legal right or ability to request or demand a case review by the board. A review by the board does not create a liberty interest for the juvenile, and cannot be appealed. All cases come before the Custody Review Board through the referral system in Section 201 of these rules (1-1-03)T

**201. REFERRAL OF CASES TO THE BOARD.**

The Custody Review Board shall review cases referred to it and will advise the director whether, in its opinion, extended time in custody is necessary for a juvenile to address competency, accountability and community protection. (1-1-03)T

**01. Cases Eligible For Referral.** A juvenile's case is eligible for referral to the board only if one (1) of the following situations exists: (1-1-03)T

**a.** The juvenile is within at least six (6) months of his nineteenth birthday at the time of referral, and one (1) or more members of the juvenile's case management team, believes that the juvenile may need extended time in custody beyond that juvenile's nineteenth birthday; or (1-1-03)T

**b.** The juvenile is past age nineteen (19), is in the department's custody, and one (1) or more members of a juvenile's case management team, or the director of the department, believes that case review is in the best interest of the juvenile or others affected. (1-1-03)T

**02. Hearing Schedules.** Once a case is referred, the board shall set a date for the review hearing. Unless the board decides otherwise, no case will be heard more often than every six (6) months. (1-1-03)T

**03. Written Submissions.** All written documents and letters to be considered at a particular hearing must be submitted fourteen (14) calendar days in advance of the scheduled hearing in order to ensure that they will be considered. Other documents may be allowed after this deadline by unanimous consent of the board members present. Documents may include: (1-1-03)T

**a.** Progress reports to the courts pursuant to Sections 20-532 and 20-540, Idaho Code; (1-1-03)T

**b.** Report on original offenses leading to commitment plus order for commitment and orders of judgment; (1-1-03)T

**c.** Written recommendations from each member of the treatment team; (1-1-03)T

**d.** Polygraph results and written conclusions and recommendations from the professionals administering these tests; (1-1-03)T

**e.** Psychosocial or psychosexual evaluations; (1-1-03)T

**f.** Victim's written statement; (1-1-03)T

**g.** Juvenile's written statement; (1-1-03)T

**h.** Initial classification; (1-1-03)T

**i.** Custody level assessment at case review; and (1-1-03)T

- j. Any other pertinent information. (1-1-03)T

**202. PERSONS TO ATTEND OR COMMENT.**

**01. Juvenile.** The juvenile who is the subject of a custody review proceeding is required to appear either in person or by videoconference. (1-1-03)T

**02. Witnesses.** The Custody Review Board allows for the participation of victims, attorneys, members of the case management team, and approved family members or others who have a direct relationship to the specific hearing or subject of the hearing. (1-1-03)T

**03. Participation.** Persons who want to participate in hearings shall notify the Custody Review Board staff fourteen (14) calendar days in advance of the scheduled hearing. Children, including victims, under the age of fourteen (14), may not be allowed to attend the hearings without prior approval of the director or board. Parents or guardians of child victims in a case may appear and comment. (1-1-03)T

**04. Time Limited.** The board's presiding officer may limit the time allotted to each participant during the proceeding, in its discretion; and may exclude witnesses or participants for inappropriate or disruptive behavior. (1-1-03)T

**203. CONFLICT OF INTEREST.**

A member of the board who has personal knowledge of a case, shall notify all other board members of this fact prior to the meeting where that case is to be considered. The remaining members of the Custody Review Board will determine whether or not that member should be disqualified from participating in the review of that case and determination. (1-1-03)T

**204. -- 299. (RESERVED).**

**300. OPINIONS OF BOARD.**

All opinions of the Custody Review Board regarding a juvenile shall be prepared in writing and given to the director of the Idaho Department of Juvenile Corrections. (1-1-03)T

**01. Confidentiality.** All determinations or opinions, including any written documents from any source regarding the juvenile's case, will be held by the Idaho Department of Juvenile Corrections in the juvenile's case management file. (1-1-03)T

**02. Opinion To The Director.** The board's written opinion concerning a juvenile's release or the juvenile's need to have extended time in custody shall be given to the director no later than thirty (30) calendar days after the date the board receives the last documents or interviews the last witness pertaining to the case. (1-1-03)T

**03. Indeterminate Sentence Remains.** If the board determines that a juvenile needs to stay for an extended time in custody of the department, that opinion does not create a determinate sentence of any kind, and the director shall still have the authority to release the juvenile at any later time deemed appropriate. (1-1-03)T

**04. Official Record Of Hearing/Review.** The official record of a hearing or case review will be the summary minutes of that hearing or review, once signed, and the original record will be maintained with records of the Idaho Department of Juvenile Corrections. (1-1-03)T

**05. Evaluation Of Juvenile Cases.** Juvenile cases are evaluated on the individual merits of each case. The board's evaluation of a case and a juvenile's need for extended time in custody shall not be based upon any predetermined hearing standard, criteria, or precedent. Factors that may be taken into account by the board include, but are not limited to: (1-1-03)T

- a. Seriousness of the crime; (1-1-03)T
- b. Prior criminal history of the juvenile, as well as prior commitments to the department; (1-1-03)T

- c. Progress or completion of program, treatment plan, accountability; (1-1-03)T
- d. Institutional history to include conformance to established rules, involvement in programs and overall behavior; (1-1-03)T
- e. Evidence of the development of a positive social attitude and the willingness to fulfill the obligations of a good citizen; and (1-1-03)T
- f. Information or reports regarding physical, psychological, or other conditions. (1-1-03)T

**301. -- 399. (RESERVED).**

**400. VICTIMS.**

It is the policy of the Idaho Department of Juvenile Corrections and the Custody Review Board to respect the rights of victims of crime in Idaho, pursuant to the Idaho Constitution and statute. When a juvenile's case has been referred for review, the department shall be responsible for providing the board with a list of crime victims who were officially identified by the adjudicating court or prosecuting attorney. (1-1-03)T

**01. Notice To Victims.** The board will notify identified victims of a juvenile's crime that a custody review hearing has been scheduled. These victims will also be notified of their right to submit written statements or information and their right to provide testimony. After the review proceeding, victims shall be notified of the board's determination regarding the custody of the juvenile. (1-1-03)T

**a.** Notice of rights, hearings, the board's final opinion, and any anticipated release will be sent to the victim of record at the last known address. It is the responsibility of the victim to provide any change of address. (1-1-03)T

**b.** Victims may request that they not be notified or contacted. (1-1-03)T

**02. Victim Testimony.** A victim may attend any and all custody review hearings pertinent to their case and to provide testimony. The victim may be allowed to testify before the board members during a hearing session but at a time separate from the actual hearing with the juvenile present. All testimony of a victim shall remain confidential. (1-1-03)T

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

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.01 - RULES OF BUILDING SAFETY - GENERAL**

**DOCKET NO. 07-0301-0201**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule makes minor housekeeping revisions to existing rules of the Division of Building Safety for the Building Bureau as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules are necessary to reflect changes in the Idaho Building Code Act as a result of new legislation and were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
(208) 334-3951 / (208) 855-2164

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0301-0201**

**000. LEGAL AUTHORITY.**

The ~~Administrator~~ Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4104~~7~~, *et seq.* Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building

Code ~~Advisory~~ Act. (7-1-97)( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.01, "Rules of Building Safety - General," Division of Building Safety. ( )

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Building Code ~~Advisory~~ Act by the Building Bureau of the Division of Building Safety. (7-1-97)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. -- ~~009010.~~ (RESERVED).**

**~~010. REPEAL OF EXISTING RULES AND REGULATIONS.~~**

~~Rules and Regulations for Plumbing, Heating, Electrical, and Construction Requirements for Factory Built Housing, and Rules and Regulations for Plumbing, Heating, Electrical and Construction Requirements for Mobile Homes and Recreational Vehicles, promulgated on an emergency basis on July 17, 1975, under the provisions of Sections 67-5203(b) and 67-5204(b)(2), Idaho Code, by the Administrator of the Division of Building Safety for the state of Idaho, are hereby repealed.~~ (7-1-97)

**011. DEFINITIONS.**

The terms defined in this section shall have the following meaning for all parts of IDAPA 07.03.01, unless the context clearly indicates another meaning: (6-28-78)

**01. Act.** The Idaho Building Code Act, Title 39, Chapter 41, Idaho Code. ( )

~~02.~~ **Administrator.** The administrator of the Division of Building Safety for the state of Idaho. (7-1-97)

~~03.~~ **Board.** The Idaho Building Code Board created under the provisions of Chapter 41, Title 39, Idaho Code. (7-1-86)

**024. Bureau.** The Building Bureau of the Division of Building Safety. (7-1-97)

~~035.~~ **Division.** The Division of Building Safety of the state of Idaho. (7-1-97)

~~046.~~ **Labeled.** Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. (7-1-86)

~~057.~~ **Listed.** Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. (7-1-86)

**068. Listing Agency.** A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. (6-28-78)

**079. Testing/Listing Agency.** A person, firm, association, partnership or corporation which is: (7-1-86)

**a.** In the business of testing equipment or other building components; and (7-1-86)

b. Recognized by the division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (7-1-97)

c. Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (6-28-78)

d. Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. (7-1-86)

~~0910.~~ **Insignia.** A label, tab or tag issued by the division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, ~~mobile homes modular buildings,~~ and commercial coaches. (7-1-97)(\_\_\_\_)

~~10.~~ **In Kind.** *As referenced in Section 39-4105(6), Idaho Code, means the replacement of equipment or material, not structural and which does not affect any member or part of the building or structure having required fire resistance, with the same materials of which the building or structure is constructed. The installation or replacement of glass in hazardous locations, as specified in Section 5406, Uniform Building Code, shall be as required for new installations.* (6-28-78)

~~11.~~ **Building Code Inspector.** *As referenced in Section 39-4116(2), Idaho Code, shall not include fuel gas and fire inspectors.* (1-15-85)

~~121.~~ **Alteration.** Application to ~~mobile~~ manufactured home means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a ~~mobile~~ manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance "plug-in" to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the ~~mobile~~ manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (1-16-92)(\_\_\_\_)

~~132.~~ **Transit Damage.** Application to ~~mobile~~ manufactured home means that damage encountered enroute from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. (1-16-92)(\_\_\_\_)

~~143.~~ **Model.** As referred to in Section 39-4113(3), Idaho Code, for manufactured buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. (7-1-86)

~~154.~~ **Systems Plan.** A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system. (7-1-86)

~~165.~~ **Technical Service.** Conducting oral examinations, research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the division of technical data relating to the application of these rules, and shall also include special field inspections that are not covered in other portions of these rules. (7-1-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**013. RIGHT OF ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of ~~Chapters 40 and 41~~, Title 39, ~~Chapters 40 and 41~~, Idaho Code, or whenever the administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the division by ~~Chapters 40 and 41~~, Title 39, ~~Chapters 40 and 41~~, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. (7-1-97)(\_\_\_\_)

**014. WORK PROCEEDING WITHOUT PERMIT OR APPROVAL.**

Where any work for which a permit or approval, to include plan or system approval, is required by these rules ~~and regulations~~, or by the codes enumerated in ~~Chapter 41~~, Title 39, ~~Chapter 41~~, Idaho Code, is started or proceeded with prior to obtaining said approval or permit, and after notice to such person or persons doing or causing such work to be done, and such person or persons continues or causes to continue such work, the fees specified in these rules ~~and regulations~~ shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of ~~Chapter 40 and/or 41~~, Title 39, ~~Chapters 40 or 41 or both~~, Idaho Code, or these rules ~~and regulations~~ in the execution of the work nor from any other penalties prescribed by law. (12-5-75)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

~~**020. CERTIFICATION TESTING.**~~

~~The administrator shall designate geographic locations, times, dates, and personnel responsible for certification testing. (7-1-97)~~

~~**021. DEFINITION OF "FARM" CLARIFIED.**~~

~~In order to further clarify the definition of "farm" as cited in Section 39-4105 (19), Idaho Code, "agricultural unit" shall mean a unit of land of five (5) acres or more upon which the owner or occupant derives his principal income and livelihood from the growing or raising of, but not the commercial processing of, agricultural, horticultural or viticultural commodities, and shall include stock, dairy, poultry, fruit, and fur-bearing animals. (12-2-76)~~

~~**0220. JURISDICTION OF FOR PLAN CHECKING FOR OF STATE BUILDINGS.**~~

~~**01. Jurisdiction Of The Requirements Of For Plan Checking.** Jurisdiction of the requirements for plan checking for construction, additions, repairs, and occupancy of all state buildings within the state of Idaho shall remain exclusively with the division. State buildings, for the purposes of this section, shall mean all buildings to be constructed for or by any agency of government at the state level for any purposes or occupancy, regardless of the source of funding for such construction, addition, repair, or occupancy. (7-1-97)(\_\_\_\_)~~

~~**02. Plan Checking Not Required.** Plan checking will not be required for any work not governed by Idaho adopted codes and standards and which does not affect any member or part of a building or structure having required fire resistance. (7-1-97)~~

~~**023. CODE PRECEDENCE**~~

~~**01. Uniform Building Code.** In the case of new construction or remodeling requiring a building permit, the Uniform Building Code shall be primary and the Life Safety Code shall apply only in areas not covered by the Uniform Building Code. This regulation shall apply to all construction where a building permit is purchased after promulgation of this rule. (6-7-77)~~

~~**02. In The Event Of Conflict.** In the event of a conflict of requirements between any of the other codes cited in Chapter 41, Title 39, Idaho Code, the provisions of the most restrictive requirements shall take precedence.~~

*except as otherwise herein provided. In all cases, the consideration of life safety shall take precedence over those of property.* (6-7-77)

~~024. (RESERVED).~~

**0251. MANUFACTURED HOME.**

From and after the effective date of this rule, the term “manufactured home” shall replace the use of the term “mobile home”. “Manufactured home” means a structure as defined in Section 39-4105(10), Idaho Code. ~~transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under 42 U.S.C. 5401 and 5402.~~ (1-15-82)(\_\_\_\_\_)

~~0262. -- 999. (RESERVED).~~



## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.03.02 - RULES OF THE ADVISORY BOARD

DOCKET NO. 07-0302-0201

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule makes minor housekeeping revisions to existing rules of the Division of Building Safety for the Building Bureau as a result of recently enacted legislation affecting the Idaho Building Code Board as part of the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St., Meridian, ID 83642  
(208) 334-3951 / (208) 855-2164

---

#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0302-0201

#### 07.03.02 - RULES OF THE ~~ADVISORY~~ IDAHO BUILDING CODE BOARD

##### 000. LEGAL AUTHORITY.

The ~~Director~~ Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4104~~7~~, ~~et seq.~~ Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code ~~Advisory~~ Act. (2-26-93)( )

##### 001. TITLE AND SCOPE.

**01. Title.** These rules shall be cited as IDAPA 07.03.02, "Rules of the ~~Advisory~~ Idaho Building Code Board," Division of Building Safety. ( )

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Building Code ~~Advisory~~ Act by the Idaho Building Code Board and the Building Bureau of the Division of Building Safety. (2-26-93)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. APPROVALS.**

~~**01. Evaluation Report Findings.** Evaluation Report findings of the International Conference of Building Officials' Technical Evaluation Staff, the International Association of Plumbing and Mechanical Officials' Research Committee for Mobile Homes, Campers and Trailers and for Manufactured Buildings, and the American Gas Association Laboratories, shall be considered as automatic recommendations of approval to the director by the board, subject to subsequent cancellation by the I.C.B.O. Technical Staff or recommendation of disapproval by the board. (7-1-86)~~

~~**02. Other Recommendations For Approval.** The board shall recommend to the director for approval such other equipment, material, and systems as are listed or labeled by an approved listing agency. (12-5-75)~~

**016. APPEALS.**

**01. Disqualifications.** No board member shall sit on an appeals proceeding in which he or his employer, employee, business partner, business associate, or any person related to him may have an economic interest in any manner in the particular appeal. (12-5-75)

**02. Appeals Involving Conflict Of Codes.** In any appeal wherein a conflict of the codes is at issue, the more restrictive provisions of the codes in conflict shall prevail, except as otherwise provided by these rules. In cases of appeal wherein the only issue is a conflict of codes, the executive director of the board may, with the approval of the chairman and ~~director~~ administrator, make the decision in the name of the board, except wherein the appellant specifically requests a decision by an appeals board. (12-5-75)( )

**03. Hearing Fee.** An appeals hearing fee of fifty dollars (\$50) shall be charged to an appellant for each appeal brought before the board. The appeals hearing fee shall accompany the notice of request for an appeal. Where the appeal is found to be in favor of the appellant the appeals hearing fee shall be returned to the appellant. (12-5-75)

**04. Charges For Subpoena Of Witnesses.** A charge of five dollars (\$5) shall be levied against the appellant ~~to~~ for each witness subpoenaed in his behalf, ~~together with a charge of twenty-six cents (\$.26) per mile plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix "A",~~ for each mile actually and necessarily traveled, one (1) way, for the service of such subpoena. (12-5-75)( )

**017. DUTIES OF EXECUTIVE DIRECTOR.**

The executive director shall be an ex-official member of each study committee and appeals board, but shall not have the power to vote. (12-5-75)

**018. RECOMMENDED CHANGES TO ADOPTED CODES AND STANDARDS.**

Whenever the board recommends that a change be made to a federal or national consensus standard or code adopted by the state of Idaho, which amendment is deemed necessary for the safety and welfare of the public, such recommendation shall automatically be meant to include a recommendation that such amendment be forwarded to the promulgating agency as a recommended permanent change to the standard or code. (12-5-75)

**019. -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.03 - RULES GOVERNING MANUFACTURED BUILDINGS**  
**DOCKET NO. 07-0303-0201**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule makes minor housekeeping revisions to existing rules of the Division of Building Safety for the Building Bureau governing manufactured buildings as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St., Meridian, ID 83642  
(208) 334-3951 / (208) 855-2164

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0303-0201**

**07.03.03 - RULES GOVERNING ~~MANUFACTURED~~ MODULAR BUILDINGS**

**000. LEGAL AUTHORITY.**

The ~~Director~~ Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4104~~7~~, ~~et seq.~~ Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code

~~Advisory~~ Act.

~~(2-26-93)~~( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.03, "Rules Governing ~~Manufactured~~ Modular Buildings," Division of Building Safety. ( )

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Building Code ~~Advisory~~ Act as it pertains to ~~Manufactured~~ Modular Buildings by the Building Bureau of the Division of Building Safety. ~~(2-26-93)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

The terms defined in this chapter shall have the following meaning unless the context clearly indicates another meaning: (12-5-75)

**01. Alteration Or Conversion.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of ~~manufactured~~ modular buildings bearing a ~~D~~division insignia of approval and shall include the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may effect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: ~~(12-5-75)~~( )

- a. Repairs with approved replacement parts; (12-5-75)
- b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(12-5-75)
- c. Replacement of equipment and appliances in kind; (12-5-75)
- d. Adjustment and maintenance of equipment. (12-5-75)

**02. Equipment.** All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of ~~manufactured~~ modular buildings. ~~(12-5-75)~~( )

**03. Field Technical Service.** Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (12-5-75)

**04. Substantially Prefabricated Or Assembled.** The module or major portion of ~~manufactured~~ modular buildings assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. ~~(12-5-75)~~( )

**011. ENFORCEMENT AND ADMINISTRATION.**

The ~~Division~~ administrator shall administer and enforce all the provisions of these rules. Any officer, agent or employee of the ~~D~~division is authorized to enter any premises during any normal or operational hours where ~~manufactured~~ modular buildings are manufactured, leased, sold or offered for sale for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment or installations to insure compliance with the provisions of these rules and codes enumerated in ~~Chapter 41~~, Title 39, Chapter 41, Idaho Code. When it becomes necessary, he may require that a portion or portions of such ~~manufactured~~ modular building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of ~~manufactured~~ modular buildings shall obtain prior approval and an insignia for each ~~manufactured~~ modular building unit to be installed in the state of Idaho. ~~(7-1-86)~~( )

**012. ALTERNATES AND EQUIVALENTS.**

**01. Alternatives Acceptable.** The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by ~~Chapter 41~~, Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the ~~D~~division. (7-1-86)(\_\_\_\_)

**02. Satisfactory Alternatives.** The ~~D~~division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (7-1-86)(\_\_\_\_)

**03. Unsatisfactory Alternatives.** Recognition by the ~~D~~division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the ~~D~~division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller. (1-16-92)(\_\_\_\_)

**04. Test Methods.** Test methods shall be as specified in the standards of the codes listed in ~~Chapter 41~~, Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the ~~D~~division. If there are no appropriate test methods specified in the standards listed above, the ~~D~~division shall determine the test procedure. (12-5-75)(\_\_\_\_)

**013. PERMITS.**

Prior to construction of modular buildings, appropriate building permits shall first be obtained from the division. (\_\_\_\_)

**014. PLANS.**

**01. Specifications For Submittal.** Plans shall be submitted in accordance with IDAPA 07.03.06. (1-13-81)

**02. Nonconformance.** Should the application submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the ~~D~~division. Should the applicant fail to submit a completely corrected application in accordance with the information supplied by the ~~D~~division within ninety (90) days of such notice, the application will be deemed abandoned and all fees submitted shall be forfeited to the ~~D~~division. Subsequent submission thereafter shall be processed as a new application. (1-16-92)(\_\_\_\_)

**03. Distribution Of Approved Copies.** An approved copy of the submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the ~~D~~division. (1-13-81)(\_\_\_\_)

**04. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (1-13-81)

**05. ~~Manufactured~~ Modular Building.** Changes to the ~~Approved~~ ~~P~~plans. Where the manufacturer proposes to change his submitted designs or the ~~D~~division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (1-13-81)(\_\_\_\_)

**0135. INSPECTIONS.**

**01. Inspections At Manufacturing Plant.** The ~~D~~division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with ~~Chapter 41~~, Title 39, Chapter 41, Idaho Code. (5-25-76)(\_\_\_\_)

~~02. **Out-Of-State Manufacturing Facility.** If the applicant's manufacturing facility is out-of-state, the application shall include a statement signed by the applicant that he agrees to in-plant inspections and that he will apply for an insignia for each manufactured building unit to be sold or offered for sale in the state of Idaho.~~ (5-25-76)

~~032. **In-Plant Inspections.** Due to the repetitive nature of the manufacturing process, the required inspections outlined in the *Uniform International Building Code* may not be required if, in the opinion of the ~~D~~division, compliance can be obtained by periodic inspections. The ~~D~~division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached insignia.~~ (5-25-76)(\_\_\_\_)

~~043. **Field Inspections.**~~ (5-25-76)

~~a. All out-of-state *manufactured modular* buildings to be installed in the state of Idaho not bearing the ~~D~~division's insignia or bearing the insignia of a state having a reciprocal agreement for *manufactured modular* buildings, which standards are actually enforced by such state and approved by the ~~director administrator~~, shall be required to obtain prior ~~D~~division inspection and approval. This approval requires submittal in accordance with IDAPA 07.03.056, "Rules Governing *Manufactured Homes* the Use of the *International Building Code*," and construction inspection.~~ (5-25-76)(\_\_\_\_)

~~b. All *manufactured modular* buildings arriving at the site of installation in a damaged condition shall be visually inspected in the field by the agency having jurisdiction for site work to determine corrective action. Upon completion of all repairs such unit shall be required to obtain a field reinspection to validate the ~~D~~division's initial approval.~~ (5-25-76)(\_\_\_\_)

~~c. Any alteration or conversion of *manufactured modular* buildings after leaving the ~~site of construction~~ *manufacturing facility* shall be field inspected in accordance with this section by the local unit of government having jurisdiction.~~ (5-25-76)(\_\_\_\_)

~~d. *Fee charges for field inspection shall be in accordance with the fee structure of these rules.*~~ (5-25-76)

~~054. **Installation; Inspection.** In order to complete the ~~i~~nstallation of the *manufactured modular* building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required. ~~The enforcement agency shall report to the Division the nature of any damage incurred enroute to the installation site and the Division may field inspect the unit.~~ (5-25-76)(\_\_\_\_)~~

~~06. **Requested Inspections.** The Division will arrange for inspections within the state of Idaho upon request. The costs will be charged in accordance with the fee structure provided in these rules and regulations, and such fees shall accompany the request; provided, should such inspection reveal that the manufactured building is not in compliance with the codes and standards enumerated in Chapter 41, Title 39, Idaho Code, or these rules, the fees shall be charged to the manufacturer; provided further, that such request is initiated within one (1) year and ten (10) days from date of purchase by the first purchaser. Costs of out-of-state inspection will be charged to the manufacturer in accordance with the fee structure.~~ (5-25-76)

~~075. **In-Plant Inspection In Sister States.** Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the ~~D~~division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer.~~ (5-25-76)(\_\_\_\_)

~~086. **Field Technical Service.** Any person may request field technical service and requests for such service shall be submitted to the ~~D~~division in writing.~~ (5-25-76)(\_\_\_\_)

**0146. LOCAL ENFORCEMENT AGENCIES.**

- 01. Rights Of Local Enforcement Agency.** A local enforcement agency shall have the right to: (12-5-75)
- a.** Require a complete set of plans and specifications approved by the ~~D~~ivision for each installation within its jurisdiction. (~~12-5-75~~)(      )
  - b.** Require that all permits be obtained before delivery of any unit to a building site. (12-5-75)
- 02. Limitations Of Rights Of Local Enforcement Agency.** A local enforcement agency shall not have the right to: (12-5-75)
- a.** Require that *manufactured modular* buildings comply with local ordinances licensing journeymen or master contractors, if such journeyman or master contractor holds a valid current license from the ~~D~~ivision. (~~12-5-75~~)(      )
  - b.** Open for inspection any *manufactured modular* building or component bearing an insignia to determine compliance with any codes or ordinances. (~~12-5-75~~)(      )
  - c.** Require by ordinance or otherwise that *manufactured modular* buildings meet any requirements not equally applicable to on-site construction. (~~12-5-75~~)(      )
  - d.** Require or charge fees for any portion of the structure completed in a construction facility remote from the building installation site. (12-5-75)

**~~015. CALCULATIONS AND TEST PROCEDURES.~~**

~~**01. Substantiation.** Where it is necessary to substantiate any structural design or method of construction, calculations and supporting data signed by an Idaho licensed architect or professional engineer shall be submitted to the Division. (12-5-75)~~

~~**02. Load-Bearing Capacity.** The load-bearing capacity of elements or assemblies may be established either by calculations in accordance with common established principles of engineering design, or by physical test acceptable to the Division. When the composition or configuration of elements, assemblies or details of structural members are such that calculations of their safe load-carrying capacity, basic structural integrity or fire resistance cannot be accurately determined in accordance with common established principles of engineering design, such structural properties of fire resistance of such members or assemblies may be established by tests acceptable to the Division. Tests shall be performed by an approved testing agency. (12-5-75)~~

~~**03. Tests.** Tests shall be directed, witnessed and evaluated by an Idaho licensed architect or professional engineer. Test procedures and results shall be reviewed and evaluated by an Idaho licensed architect or professional engineer. The Idaho licensed architect or professional engineer's evaluation of test results and recommendations, accompanied by test reports from the testing agency, shall be submitted to the Division. (12-5-75)~~

**SECTION 016 HAS BEEN MOVED AND RENUMBERED TO SECTION 014**

**~~017. CLARIFICATION OF CODE SECTION.~~**

~~The building official referred to in Subsection 5006(d) of the Uniform Building Code shall be specifically understood to mean the enforcement agency which will be responsible for on-site installations. (12-5-75)~~

**0187. INSIGNIA.**

- 01. Required Insignia.** Each *manufactured modular* building section substantially prefabricated and assembled shall bear a ~~D~~ivision insignia prior to leaving the manufacturing facility. Assigned insignia are not

transferable and are void when not affixed as assigned. All such voided insignia shall be returned to, or may be confiscated by the ~~D~~ivision. Insignia remain the property of the ~~D~~ivision and may be reappropriated by the ~~D~~ivision in the event of violation of conditions of approval. Assigned insignia affixed in the field shall be under the direction of the ~~D~~ivision's authorized agent. (6-12-79)( )

a. Single units shall have the insignia permanently attached below the electrical service entrance. (6-12-79)

b. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (6-12-79)

c. Each section of a multiple ~~manufactured~~ modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix ~~except that the serial number of the section containing the electrical service entrance shall be followed by the letter "S" only. On units where the service entrance is in a center section or where there are more than one row of sections on a single level, the sections shall be identified as follows: Upon facing the main entrance to the unit the suffix "S" section will be that section to the extreme left. Subsequent numerical numbering shall start with number one (1) and will proceed from left to right to the end section of that row and continue to the next adjacent row right to left then to the next row, left to right, etc.~~ (6-12-79)( )

~~d. The serial number of all sections on the ground level shall be identified by the letter "L". Where second story sections are utilized, the second story will be identified by using the next numerical sequence following the last lower section commencing over or closest to the section identified by an "S". All upper sections will be suffixed by the letter "U".~~ (6-12-79)

**02. Application For Insignia.** The manufacturer shall make application for an insignia for each unit to be manufactured as required by IDAPA 07.03.03.01~~87~~.01. The permit/insignia application shall be submitted to the ~~D~~ivision in accordance with IDAPA 07.03.06 and shall include the appropriate fees. ~~Applications shall include the appropriate fees.~~ Applications shall include the serial number of each unit for which an insignia is requested. (6-12-79)( )

**03. Alteration Or Conversion.** (6-12-79)

a. Factory Alterations or conversions of an approved manufactured modular building prior to first occupancy shall NOT take place until a permit under the provisions of IDAPA 07.03.06 has been obtained. (6-12-79)( )

b. ~~Any manufacturer or person proposing an alteration or conversion prior to first occupancy in a unit bearing a Division insignia of approval shall make application to the Division or to the agency having jurisdiction for site work, for a building permit. Such application shall include: Name of the manufacturer; Serial number of the unit; date of manufacture; insignia serial number; complete description of work to be performed together with plans and specifications when required; appropriate fees; and name and address of the owner of the structure.~~ Non-factory alterations or conversions. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility and/or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (6-12-79)( )

**04. Denial Of Insignia.** Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in ~~Chapter 41~~, Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (6-12-79)( )



**05. Removal Of Insignia. (6-12-79)**

a. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in ~~Chapter 41~~, Title 39, Chapter 41, Idaho Code, or these rules, the ~~D~~ivision may remove the insignia and shall furnish the owner or his agent with a written statement of violations. ~~(6-12-79)~~(\_\_\_\_)

b. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the ~~D~~ivision shall issue a replacement insignia. ~~(6-12-79)~~(\_\_\_\_)

**06. Lost Insignia. (6-12-79)**

a. When an insignia of approval becomes lost or damaged, the ~~D~~ivision shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit serial number, and when possible the insignia number. ~~(6-12-79)~~(\_\_\_\_)

b. All damaged insignia shall be promptly returned. Damaged or lost insignia shall, upon payment of the replacement insignia fee as provided in the fee schedule, be replaced by the ~~D~~ivision with a replacement insignia, which shall bear the date of issue of the original insignia, and which shall be designated as a replacement insignia, provided the unit still meets the standards prescribed by these rules. ~~(6-12-79)~~(\_\_\_\_)

**~~0198.~~ FEE SCHEDULE.**

**01. ~~Manufactured Modular Building Fees.~~** Other than as herein specified in this section, the fee schedule for ~~manufactured modular~~ buildings shall be as provided by IDAPA 07.03.06 ~~(Uniform Building Code)~~, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. ~~(1-13-81)~~(\_\_\_\_)

**02. Plumbing And Electrical Fees.** In addition to the fees prescribed in IDAPA 07.03.03.019.01, plumbing and electrical inspection fees in accordance to those prescribed in the Plumbing Laws and Regulations and the Electrical Laws and Regulations shall apply, and shall be paid to the ~~D~~ivision. ~~(3-27-95)~~(\_\_\_\_)

**03. Requested Inspection, Out-Of-State And Field Technical Service Fees.** Fee equal to total travel cost based on published air fare, or equivalent rate, between Boise, Idaho, and the location of the factory or site plus necessary supplemental surface transportation, and reimbursement for the actual cost of food and lodging plus the fees prescribed in this section. (1-13-81)

**04. Insignia Replacement Fee.** Ten dollars (\$10). (1-13-81)

**05. Plan Review Fee.** For all systems, the plan approval fees shall be charged as specified in IDAPA 07.03.01.015.03, thirty-six dollars (\$36) per hour. (1-13-81)

**06. Insignia Tag Fee.** In instances where building permit fees are not charged for ~~manufactured modular~~ buildings, a twenty-five dollar (\$25) fee will be charged for an insignia. ~~(3-27-95)~~(\_\_\_\_)

**~~02019.~~ SNOW LOADS.**

Plans, when required, will be approved by the ~~D~~ivision for the indicated designed live load only. Where snow loads occur, acceptance of the designed live load will be subject to the discretion of the local jurisdiction. The approved designed live load is to be indicated on the insignia and permit for ~~manufactured housing modular buildings~~. ~~(7-1-86)~~(\_\_\_\_)

**~~0240.~~ RECIPROCAL AGREEMENTS.**

The provisions for insignia of compliance as specified in a written and signed reciprocal agreement between the ~~D~~ivision and any other state shall take precedence over the provisions of these rules. ~~(8-31-78)~~(\_\_\_\_)

**~~0221.~~ -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.05 - RULES GOVERNING MANUFACTURED HOMES**  
**DOCKET NO. 07-0305-0201**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule makes minor housekeeping revisions to existing rules of the Division of Building Safety for the Building Bureau governing manufactured homes as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21st day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St., Meridian, ID 83642  
(208) 334-3951 / (208) 855-2164

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0305-0201**

**07.03.05 - RULES GOVERNING MANUFACTURED HOMES**

**000. LEGAL AUTHORITY.**

The ~~Director~~ Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4104~~7~~, ~~et seq.~~ Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code

*Advisory Act.*

(2-26-93)( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.05, "Rules Governing Manufactured Homes;"  
*Division of Building Safety.* ( )

**02. Scope.** These rules prescribe the criteria for ~~enforcing~~ enforcement and administration of the Idaho Building Code ~~Advisory Act~~ as it pertains to Manufactured Homes by the Building Bureau of the Division of Building Safety. (2-26-93)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**011. CONSTRUCTION AND SAFETY STANDARDS.**

Effective ~~15~~ June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. ~~Manufactured Mobile~~ homes manufactured between 8 March 8, 1971 and ~~15~~ June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval. (4-4-89)( )

**012. INSPECTIONS.**

~~01. Required Inspection.~~ Any person renting, leasing, selling, or offering for rent, lease, or sale, any manufactured home shall request an inspection by the Division when the manufactured home has been manufactured after 8 March 1971, unless the unit bears a valid Idaho insignia, and after 15 June 1976, a valid label of compliance with the Federal Manufactured Home Construction and Safety Standards. (4-4-89)

~~02. Application For Inspection.~~ Application for inspection by the Division shall be made on forms provided by the Division at least five (5) working days prior to the desired date of inspection and shall be accompanied by inspection fees pursuant to IDAPA 07.03.05.015. Any additional inspection fees are payable on completion of each inspection. Such written requests shall be submitted to the department. (4-4-89)

~~03. Insignia.~~ Upon a request for a required inspection pursuant to this section and the payment of fees pursuant to IDAPA 07.03.05.015, the unit shall be inspected, and if found to meet the requirements of the law and these rules, an insignia will be issued for such unit. (6-1-76)

~~041. Special Inspection.~~ Whenever there is a transit damage and/or any alteration made to a certified manufactured home, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs and/or alteration does not result in the failure of the manufactured home to comply with the standards. (4-4-89)

~~02. Installation Inspection.~~ Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 07.03.12, "Rules Governing Manufactured Home Installations." Section 004. ( )

**013. MANUFACTURER CONTROL AND SUPERVISION.**

~~01. Manual Of Procedure.~~ The manufacturer shall submit a manual of procedure for surveillance to provide quality control of factory produced manufactured homes meeting the minimum requirements of the Federal Manufactured Home Construction and Safety Standards concurrent with the manufacturer's request for plan approval. (4-4-89)

~~02. **Certified Supervisors.** The procedures must meet the standards of and be approved by the Division. Certified supervisors shall be responsible for quality control and shall maintain complete records to substantiate that each unit has been checked and complies with adopted standards and plans approved by the department. (6-1-76)~~

~~03. **Inspections.** The Division shall make inspections in the place of manufacture and shall require submission of evidence by the manufacturer of adequate supervision of the manufacturing process to assure conformity of the product with the approved plans, and shall condition the issuance of insignia on inspection during the manufacture of each unit. Inspection frequency shall not be less than a ratio of unit output per day divided by the number of stations in the plant. (6-1-76)~~

~~04. **Failure To Provide Certified Supervisors.** The failure of a manufacturer to have the certified supervisors on duty in the plant at all times that a manufactured home plant is manufacturing plumbing, heat-producing or electrical systems, under the provisions of Section 39-4009, Idaho Code, shall be guilty of a misdemeanor under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code. (4-4-89)~~

~~**014. LOST OR DAMAGED INSIGNIA.**~~

~~When an insignia of compliance becomes lost or damaged by the owner of a unit, the Division shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit serial number, and when possible the insignia number. All damaged insignia shall be promptly returned. Damaged or lost insignia shall be replaced by the Division with another insignia, which shall bear the date of the original insignia, upon payment of an insignia fee as provided in IDAPA 07.03.05.015. (7-1-97)~~

~~**0153. FEES.**~~

~~01. **Payment Of Fees.** Fees shall be paid to and collected by the Division. (7-1-97)(\_\_\_\_)~~

~~02. **Requested Inspection Or Reinspection (for models produced prior to June 15, 1976).** Eleven dollars (\$11) for each system to be inspected (structural, heating, plumbing, electrical), for each unit plus thirty-one cents (\$.31) per mile based on the distance from the point of inspection and the appropriate inspector's office location. The division will arrange for inspection within the state of Idaho upon request. The costs will be charged in accordance with the fee structure provided above. (7-1-97)~~

~~03. **In-Plant Inspections.** The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Twenty-six dollars (\$26) per floor. (1-16-92)~~

~~04. **Other Inspections.** For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Thirty-six dollars (\$36) per hour minimum for inspection and travel time, pro-rated to the nearest quarter hour, per diem and lodging where applicable, plus thirty-one cents (\$.31) per mile the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix "A", based on the round-trip distance from point of inspection and the inspector's office location. (7-1-97)(\_\_\_\_)~~

~~05. **Insignia Replacement Fee.** Ten dollars (\$10) per insignia. (Models prior to June 15, 1976). (6-1-76)~~

~~06. **Insignia Administrative Replacement Fee.** Ten dollars (\$10) per insignia. (All models produced after 15 June, 1976). (4-4-89)~~

~~07. **Other Fees.** All other fees shall be as prescribed by the director. (4-4-89)~~

~~**0164. -- 999. (RESERVED).**~~

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.03.06 - RULES GOVERNING THE USE OF THE UNIFORM BUILDING CODE

DOCKET NO. 07-0306-0201

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2002.

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule makes minor housekeeping revisions to existing rules of the Division of Building Safety for the Building Bureau governing the use of and reference to the 2000 International Building Code as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

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

To comply with changes in Section 39-4109, Idaho Code updating which edition of the International Building Code is used and the effective date that the edition goes into affect.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
(208) 334-3951 / (208) 855-2164

---

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0306-0201

**07.03.06 - RULES GOVERNING THE USE OF THE ~~UNIFORM~~ INTERNATIONAL BUILDING CODE**

**000. LEGAL AUTHORITY.**

The ~~Director~~ Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-410~~47~~, ~~et seq.~~ Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Advisory Act. (2-26-93)(7-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** These ~~rules~~ shall be cited as IDAPA 07.03.06, "Rules Governing the Use of the Uniform International Building Code," Division of Building Safety. (7-1-02)T

**02. Scope.** These rules prescribe the criteria for ~~how enforcement and administration of the Uniform International Building Code will be administered in enforcing the~~ as it pertains to the Idaho Building Code Advisory Act by the Building Bureau of the Division of Building Safety. (2-26-93)(7-1-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. ADOPTION AND INCORPORATION BY REFERENCE**

Under the provisions of Section 39-4109, Idaho Code, the International Building Code, 2000 Edition, together with sections 302.4, 310.1, 1102.1, 1106.2, 1107, 1109.7, 1109.14, 1109.15 and 3104.2 of the 2001 supplement to the International Building Code are hereby adopted and incorporated by reference into IDAPA 07.03.06, "Rules Governing the Use of the International Building Code," Division of Building Safety and shall be in full force and effect on and after July 1, 2002. The referenced code may be obtained from International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298 or www.icbo.org. (7-1-02)T

**004~~5~~. -- 0409. (RESERVED).**

**010. PERMITS.**

Building permits shall be obtained from the division prior to the construction of structures governed by the act or rules promulgated by the board. (7-1-02)T

**011. BUILDING PERMIT FEES.**

The provisions of Section 304b and Table 3-A, Uniform Building Code, 1985, shall apply to the construction, alteration and repair of any building or structure within the State over which the State has jurisdiction, except as otherwise provided in these rules. The building permit fee for each permit shall be as set forth in Section 304b and Table 3-A of the Uniform Building Code, 1985 edition, as seen in the following table. The determination of value or valuation shall be made by the administrator and shall be the total value of all construction work for which a permit is issued.

<b>TABLE 3-A - BUILDING PERMIT FEES</b>	
<b><u>Total Valuation In Dollars</u></b>	<b><u>Fee</u></b>
<u>\$1 to \$500</u>	<u>\$15</u>
<u>Over \$500 to \$2,000</u>	<u>\$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof, to and including \$2,000</u>
<u>Over \$2,000 to \$25,000</u>	<u>\$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$25,000</u>

<b>TABLE 3-A - BUILDING PERMIT FEES</b>	
<b>Total Valuation In Dollars</b>	<b>Fee</b>
<u>Over \$25,000 to \$50,000</u>	<u>\$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000</u>
<u>Over \$50,000 to \$100,000</u>	<u>\$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000</u>
<u>Over \$100,000 to \$500,000</u>	<u>\$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof, to and including \$500,000</u>
<u>Over \$500,000 to \$1,000,000</u>	<u>\$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$1,000,000</u>
<u>Over \$1,000,000</u>	<u>\$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof</u>

(~~1-16-92~~)(7-1-02)T

**012. REFUND OF PERMIT FEES.**

**01. Conditions And Limitations Of Refund.** A refund of a permit fee may be made by the ~~department division~~ in areas over which the State has jurisdiction, ~~for permits issued under the authority of the provisions of Chapter C., Uniform Building Code,~~ subject to the following conditions and limitations:

(~~4-4-89~~)(7-1-02)T

- a. No work shall have commenced on the project for which such permit was issued; (4-4-89)
- b. The permit must be cancelled by the owner or holder, in writing, within one hundred eighty (180) days of the date of issuance; (4-4-89)
- c. The permit shall be surrendered; and (4-4-89)
- d. No refund shall be made when the permit fee paid is ten dollars (\$10) or less. Qualifying refunds shall be not more than eighty percent (80%) of the original permit fee. (4-4-89)

**02. Inspection.** An inspection of the proposed work site shall be made and written verification submitted that no work covered by such permit has been accomplished. (4-4-89)

**013. PLAN ~~CHECKING~~ REVIEW.**

~~**01. Plans For Construction Exceeding Three Thousand Dollars (\$3,000).** When the valuation of proposed construction exceeds three thousand dollars (\$3,000), a plan shall be submitted for all buildings and structures for areas in which the state has jurisdiction, except as provided in IDAPA 07.03.06.013.02 and IDAPA 07.03.06.013.03.~~ (4-4-89)

**021. Plans Not Required.** Plans shall not be required for: (4-4-89)

- a. One (1) story buildings of Type V conventional ~~woodstud~~ light-frame wood construction with an area not exceeding six hundred (600) square feet. (~~4-4-89~~)(7-1-02)T
- b. Group ~~M, Division I,~~ U occupancies of Type V conventional ~~woodstud~~ light-frame wood construction. (~~4-4-89~~)(7-1-02)T

**032. R-3 And ~~MU~~ Occupancies.** The submission of plans and specifications for R-3 and ~~MU~~ occupancies shall be at the discretion of the ~~director~~ administrator. (~~4-4-89~~)(7-1-02)T

**043. Plans Specifications.** Plans shall be drawn to scale and shall be on uniformly sized standard stock drawing sheets not to exceed thirty-six (36) inches by sixty (60) inches. *The applicant shall submit prints of these drawings as original drawings will not be accepted by the department. Each sheet of drawings shall provide a blank space not less than three (3) inches by four (4) inches in the lower right corner of the sheet for the department's stamp of approval.* (4-4-89)(7-1-02)T

**054. Plan Review Fees.** Plan review fees shall be sixty-five percent (65%) of the building permit fee ~~as determined from Table 3-A, Uniform Building Code, 1985 Edition.~~ (3-13-91)(7-1-02)T

**014. REFUND OF PLAN ~~CHECKING~~ REVIEW FEES.**  
There shall be no refund of plan ~~checking~~ review fees. (4-4-89)(7-1-02)T

**~~015. TIME LIMIT FOR INSPECTION.~~**  
~~Following notification to the appropriate inspection agency of readiness for inspection under the provisions of Section 39-4117, Idaho Code, a permit holder may proceed with work the same as if the inspection has been made after two (2) working days of time stipulated for the inspection.~~ (4-4-89)

**0165. JURISDICTION OF MANUFACTURED BUILDINGS AND COMMERCIAL COACHES.**  
The jurisdiction for non-factory produced additions, and for repairs and alterations for manufactured buildings and commercial coaches built in conformance with the *Uniform International Building Code*, once such unit has left the manufacturing facility and/or a dealer's lot, and bears an appropriate insignia of compliance, rests with the unit of government having the jurisdiction for the administration and enforcement of the *Uniform International Building Code*. (4-4-89)(7-1-02)T

**~~017. ADOPTION OF LATER EDITION.~~**  
~~Under the provisions of Section 39-4107(6), Idaho Code, the Uniform Building Code, 1994, is hereby adopted for the state of Idaho, and shall be in full force and effect on and after January 1, 1995.~~ (7-1-97)

**0186. ADDENDA AND CHANGE ORDERS.**

**01. Documents Enforcing Changes Or Modifications.** Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the *Department division*, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the bureau for approval. The use of the terms "addenda," "change orders," and "changes-in-work requests" shall not be limited exclusively to such phraseology, but shall be inclusive of such other language used in the professions which essentially have the same meaning. (4-4-89)(7-1-02)T

**02. Application Provisions.** The provisions of this section shall apply to that work which will be accomplished. (4-4-89)

**0197. -- 999. (RESERVED).**



**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.07 - RULES GOVERNING CERTIFICATION**

**DOCKET NO. 07-0307-0201 (REPEAL OF CHAPTER)**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2002.

**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(s) 39-4107, 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 16, 2002.

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 rule repeals the existing rule governing building inspector certification in its entirety. The rule is being replaced with a new chapter that prescribes the use of the 2000 International Energy Conservation Code by the Division of Building Safety for the Building Bureau as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

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

To comply with changes in Section 39-4109, Idaho Code, this chapter is being repealed and replaced by a new chapter.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St., Meridian, ID 83642  
(208) 334-3951 / (208) 855-2164

---

**IDAPA 07.03.07 IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.07 - RULES GOVERNING THE USE OF THE INTERNATIONAL**  
**ENERGY CONSERVATION CODE**  
**DOCKET NO. 07-0307-0202 (NEW CHAPTER)**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2002.

**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(s) 39-4107, 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 16, 2002.

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:

This new chapter prescribes the use of the 2000 International Energy Conservation Code by the Division of Building Safety for the Building Bureau as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

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

To comply with changes in Section 39-4109, Idaho Code updating which edition of the International Energy Conservation Code is used and the effective date that edition goes into affect.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21st day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
(208) 334-3951  
(208) 855-2164

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0307-0202**

**IDAPA 07**  
**TITLE 03**  
**Chapter 07**

**07.03.07 - RULES GOVERNING THE USE OF THE INTERNATIONAL  
ENERGY CONSERVATION CODE**

**000. LEGAL AUTHORITY.**

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (7-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.07, "Rules Governing the Use of the International Energy Conservation Code," Division of Building Safety. (7-1-02)T

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the International Energy Conservation Code as it pertains to the Idaho Building Code Act by the Building Bureau of the Division of Building Safety. (7-1-02)T

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (7-1-02)T

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. (7-1-02)T

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

Under the provisions of Section 39-4109, Idaho Code, the International Energy Conservation Code, 2000 edition, is hereby adopted and incorporated by reference into IDAPA 07.03.07, "Rules Governing the Use of the International Energy Conservation Code," Division of Building Safety and shall be in full force and effect on and after July 1, 2002. The referenced code may be obtained from International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 or [www.icbo.org](http://www.icbo.org). (7-1-02)T

**005. -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.08 - RULES GOVERNING COMMERCIAL COACHES**  
**DOCKET NO. 07-0308-0201**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule makes minor housekeeping revisions to existing rules governing portable prefabricated commercial modular structures regulated by the Building Bureau of the Division of Building Safety as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
(208) 334-3951/ (208) 855-2164

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0308-0201**

**000. LEGAL AUTHORITY.**

The ~~Director~~ Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4104~~7~~, *et seq.* Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code ~~Advisory~~ Act. (2-26-93)(\_\_\_\_\_)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.08, "Rules Governing Commercial Coaches," Division of Building Safety. ( )

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the Idaho Building Code ~~Advisory~~ Act as it pertains to commercial coach type modular structures by the Building Bureau of the Division of Building Safety. (2-26-93)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

The terms defined in this section shall have the following meaning for IDAPA 07.03.08, "Rules Governing Commercial Coaches," unless the context clearly indicates another meaning: (12-5-75)

**01. Running Gear.** Springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (12-5-75)

**02. Alteration Or Conversion.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of commercial coaches bearing a ~~D~~division insignia of approval and shall include the replacement, addition, modification or removal of any structural member; plumbing, heat-producing or electrical equipment; or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: (12-5-75)( )

a. Repairs with approved replacement parts; (12-5-75)

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(12-5-75)

c. Replacement of equipment and appliances in kind; (12-5-75)

d. Adjustment and maintenance of equipment. (12-5-75)

**03. Equipment.** All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of commercial coaches. (12-5-75)

**04. Field Technical Service.** Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (12-5-75)

**065. First Purchaser.** The first purchaser of a commercial coach for other than resale. (12-5-75)

**056. Substantially Prefabricated Or Assembled.** The module or major portion of commercial coaches is assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (12-5-75)

**011. DEFINITION OF "COMMERCIAL COACH" CLARIFIED.**

In order to further clarify the definition of "commercial coach" as cited in Section 39-4105(~~435~~), Idaho Code, the phrase "made so as to be readily movable as a unit on its own running gear" shall mean that the running gear shall be a permanent part of the unit and not intended to be removed or replaced, ~~except for replacement in kind~~; and such ~~use shall be limited to use other than a one (1) family dwelling~~ modular structure is used for commercial purposes. (12-5-75)( )

**012. ADOPTION OF CODES/CONSTRUCTION REQUIREMENTS.**

The minimum construction standards for commercial coaches to be sold, rented or leased, or offered for sale, rent or lease in the state of Idaho, shall be those provided by the latest ~~adoption of the Uniform Building Code codes~~ prescribed within Section 39-4109, Idaho Code adopted by the ~~director board~~. ~~The provisions of the latest edition of the Uniform Plumbing Code and the National Electrical Code as adopted by the director shall apply to all commercial coaches, and the provisions of the latest edition of NFPA 101 (the Life Safety Code) shall also apply based upon the occupancy requirements.~~ (5-25-76)(\_\_\_\_)

**013. ENFORCEMENT AND ADMINISTRATION.**

The ~~D~~ivision shall administer and enforce all the provisions of these rules. Any officer, agent or employee of the ~~D~~ivision is authorized to enter any premises during any normal or operational hours where commercial coaches are manufactured, leased, sold or offered for sale for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and regulations and codes enumerated in ~~Chapter 41~~, Title 39, ~~Chapter 41~~, Idaho Code. When it becomes necessary, he may require that a portion or portions of such commercial coach units be removed in order that an inspection may be made to determine compliance. Every manufacturer of commercial coaches shall obtain prior approval, ~~permits~~ and ~~an~~ insignia for each commercial coach unit to be used in the state of Idaho. (12-5-75)(\_\_\_\_)

**014. ALTERNATES AND EQUIVALENTS.**

**01. Intention Of Rules.** The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by ~~Chapter 41~~, Title 39, ~~Chapter 41~~, Idaho Code, or of these rules, provided any such alternate has first been recognized by the ~~D~~ivision. (12-5-75)(\_\_\_\_)

**02. Acceptable Alternatives.** The ~~D~~ivision shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, systems or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, and durability and is adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (12-5-75)(\_\_\_\_)

**03. Unacceptable Alternatives.** Recognition by the ~~D~~ivision shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system, or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the ~~D~~ivision may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller. (12-5-75)(\_\_\_\_)

**04. Test Methods.** Test methods shall be as specified in the standards of the codes listed in ~~Chapter 41~~, Title 39, ~~Chapter 41~~, Idaho Code, or by other nationally recognized standards recognized by the ~~D~~ivision. If there are no appropriate test methods specified in the standards listed above, the ~~D~~ivision shall determine the test procedure. (12-5-75)(\_\_\_\_)

**015. INSPECTION.**

**01. In-Plant Inspections.** The ~~D~~ivision shall conduct inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspection control procedures. Each unit will be inspected during the course of production for compliance with the adopted standards. No unit manufactured for use in the ~~S~~tate of Idaho will be shipped from the point of manufacture without inspection and attached insignia. ~~If the applicant's manufacturing facility is out of state, the application shall include a statement signed by the applicant that he agrees to in-plant inspections and that he will apply for an insignia for each commercial coach unit for use or offered for sale in the state of Idaho.~~ (12-5-75)(\_\_\_\_)

**02. Field Inspections.** (12-5-75)

**a.** All out-of-state commercial coaches to be utilized in the state of Idaho not bearing the ~~D~~ivision's insignia or bearing the insignia of a state having a reciprocal agreement for commercial coaches, which standards are actually enforced by such state and approved by the ~~director~~ administrator, shall be required to obtain prior ~~D~~ivision

inspection and approval. This approval requires inspection of all units and submittal of design plans for new units. All fees incurred will be chargeable to the applicant. (12-5-75)(\_\_\_\_)

**b.** All commercial coaches arriving at the site of installation in a damaged condition shall be visually reinspected in the field to determine corrective action. Upon completion of all repairs such unit shall be required to obtain a field reinspection to validate the ~~D~~ivision's initial approval. (12-5-75)(\_\_\_\_)

**c.** Any alteration or conversion of commercial coaches after leaving the ~~site of construction~~ manufacturing facility shall be field inspected in accordance with this section by the local unit of government having jurisdiction. (12-5-75)(\_\_\_\_)

**d.** ~~Fee charges for field inspection shall be in accordance to the fee structure of these rules.~~ (12-5-75)

~~**03.** **Requested Inspections.** The Division will arrange for inspections within the state of Idaho upon request. The costs will be charged to the requester in accordance with the fee structure provided in these rules, and such fees shall accompany the request; provided, should such inspection reveal that the commercial coach is not in compliance with the codes and standards enumerated in Chapter 41, Title 39, Idaho Code, or these rules, the fees shall be charged to the manufacturer; provided further, that such request is initiated within one (1) year and ten (10) days from date of purchase by the first purchaser. Costs of out-of-state inspection will be charged to the manufacturer in accordance with the fee structure.~~ (12-5-75)

**043.** **Field Technical Service.** Any person may request field technical service and requests for such service shall be submitted to the ~~D~~ivision in writing. (12-5-75)(\_\_\_\_)

**016. CALCULATIONS AND TEST PROCEDURES.**

~~**01.** **Substantiation.** Where it is necessary to substantiate any structural design or method of construction, calculations and supporting data signed by an Idaho licensed architect or professional engineer shall be submitted to the Division.~~ (12-5-75)

~~**02.** **Establishing Load-Bearing Capacities.** The load-bearing capacity of elements or assemblies may be established either by calculations in accordance with common established principles of engineering design, or by physical test acceptable to the Division. When the composition or configuration of elements, assemblies or details of structural members are such that calculations of their safe load-carrying capacity, basic structural integrity or fire resistance cannot be accurately determined in accordance with common established principles of engineering design, such structural properties or fire resistance of such members or assemblies may be established by tests acceptable to the Division. Tests shall be performed by an approved testing agency.~~ (12-5-75)

~~**03.** **Tests.** Tests shall be directed, witnessed and evaluated by an Idaho licensed architect or professional engineer. Test procedures and results shall be reviewed and evaluated by an Idaho licensed architect or professional engineer. The Idaho licensed architect or professional engineer's evaluation of test results and recommendations, accompanied by test reports from the testing agency, shall be submitted to the Division.~~ (12-5-75)

**0176. PLANS.**

**01.** **Plans Specifications.** Plans shall be drawn to scale and shall be on uniformly-sized standard stock drawing sheets not to exceed ~~twenty-four (24)~~ thirty-six (36) inches by ~~thirty-six (36)~~ sixty (60) inches. ~~The applicant shall submit prints of these drawings, as original drawings will not be accepted by the Division. Each sheet of drawings shall provide a blank space not less than three (3) inches by four (4) inches in the lower right corner of the sheet for the Division's stamp of approval.~~ (12-5-75)(\_\_\_\_)

**02.** **Nonconformance.** Should the application submittal not conform to the requirements of these rules, the applicant shall be notified in writing within ten (10) days of the date they are received by the ~~D~~ivision. Should the applicant fail to submit a completely corrected application in accordance with the information supplied by the ~~D~~ivision within ninety (90) days of such notice, the application will be deemed abandoned and all fees submitted shall be forfeited to the ~~D~~ivision. Subsequent submission thereafter shall be processed as a new application. (12-5-75)(\_\_\_\_)

**03. Distribution Of Approved Copies.** An approved copy of the submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the ~~D~~division. (12-5-75)(\_\_\_\_)

**04. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (12-5-75)

**05. Manufactured Buildings/Changes To The Approved Plans.** Where the manufacturer proposes to change his submitted designs or the ~~D~~division regulations are amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (12-5-75)(\_\_\_\_)

**0187. INSIGNIA.**

**01. Required Insignia.** All commercial coaches offered for rent, lease or sale in the state of Idaho, shall bear ~~D~~division insignia of compliance prior to leaving the manufacturing plant. (12-5-75)(\_\_\_\_)

**02. Assignment Of Insignia.** Each insignia shall be assigned and affixed to a specific unit. Assigned insignia are not transferable and are void when not affixed as assigned. All assigned insignia not affixed to the specific unit shall be returned to, or may be confiscated by, the ~~D~~division. The insignia shall remain the property of the ~~D~~division, and may be reappropriated by the ~~D~~division in the event of violation of the conditions of approval. (12-5-75)(\_\_\_\_)

**03. Application For Insignia.** Following receipt of plan approval, the unit manufacturer shall make application for an insignia for each unit offered for rent, lease or sale in the state of Idaho. The permit/insignia application shall be submitted to the ~~D~~division ~~in triplicate~~, accompanied by the appropriate insignia fees pursuant to IDAPA 07.03.08.019. The application shall include the plan approval number, model designation and the serial number of each unit for which an insignia is requested. Multiple units shall be designated where applicable. An insignia is required for each section of the multiple units. (12-5-75)(\_\_\_\_)

**04. Denial Of Insignia.** Should inspection reveal that the manufacturer is not manufacturing units according to plans approved by the ~~D~~division and such manufacturer, after having been served with written notice setting forth in concise terms the violation, continues to manufacture units without correcting any such violations, applications for new insignia shall be denied and the insignia previously issued shall be subject to confiscation. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for insignia. (12-5-75)(\_\_\_\_)

**05. Removal Of Insignia.** In the event that any unit bearing an insignia is found to be in violation of these rules and regulations, the ~~D~~division shall remove the insignia after furnishing the manufacturer, renter, lessor owner, or agent thereof, with a written statement of such violation. The ~~D~~division shall not issue a new insignia until corrections have been made and the manufacturer, owner, renter, lessor, or agent thereof has requested an inspection pursuant to IDAPA 07.03.08.015. (12-5-75)(\_\_\_\_)

**06. Lost Insignia.** When an insignia of compliance becomes lost or damaged by the owner of a unit, the ~~D~~division shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit's serial number, and when possible, the insignia number. All damaged insignia shall be promptly returned. Damaged or lost insignia shall be replaced by the ~~D~~division with a replacement insignia which shall bear the date of the original insignia, and which shall be designated as a replacement insignia upon payment of the replacement insignia fee as provided in IDAPA 07.03.08.019. (12-5-75)(\_\_\_\_)

**07. Serial Number.** Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho, shall bear a legible identifying serial number in accordance with the provisions of this section, which shall include the state of manufacture. (12-5-75)

**08. Stamp Of Serial Number And State Of Manufacture.** The unit serial number and the state of manufacture shall be stamped into the foremost crossmember of all commercial coaches. Letters and numbers shall



be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. (3-1-79)

~~09. **Serial Numbers Of Idaho Units.** Serial numbers of Idaho units shall be preceded by the letters "IDA", denoting the State of Idaho, and followed by a dash, and the manufacturer's numerical serial number. (3-1-79)~~

**409. Multiple Commercial Coaches.** Each section of multiple commercial coaches shall have the same identifying serial number *except that the serial number of the primary or left (road) side unit shall be followed by the letter "S". The serial number on all connecting sections shall be followed by a numerical sequence identifier and the letter "L" suffix. All subsequent numerical numbering will start with the number one (1) and will proceed from left to right to the end section of that row and continue to the next adjacent row right to left then to the next row, left to right, etc followed by a numerical sequence identifier and letter suffix.* (3-1-79)(\_\_\_\_)

**140. Data On Insignia.** The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. (12-5-75)

**121. Insignia Location.** All insignias shall be located not less than six (6) inches above the floor line. Single units shall have the insignia permanently attached on the exterior wall adjacent to the main door. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units the insignia shall be permanently attached on the interior wall next to the major access opening. (12-5-75)

**0198. FEE SCHEDULE.**

**01. Commercial Coaches.** Other than as herein specified in this section, the fee schedule for commercial coaches shall be as provided by IDAPA 07.03.06, "Rules Governing the Use of the ~~(Uniform International Building Code)~~" and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (12-5-75)(\_\_\_\_)

~~02. **Plumbing And Electrical Fees.** In addition to the fees prescribed in IDAPA 07.03.08.019.01, plumbing and electrical inspection fees in accordance to those prescribed in the Plumbing Laws and Regulations and the Electrical Laws and Regulations shall apply and shall be paid to the Division. (12-5-75)~~

~~03. **Requested Inspection, Out-Of-State, And Field Technical Service Fees.** Fee is equal to total travel cost based on published air fare, or equivalent rate, supplemental surface transportation, and reimbursement for the actual cost of food and lodging plus the fees prescribed in this section. (12-5-75)~~

~~04. **Insignia Replacement Fee.** Ten dollars (\$10) per hour. (12-5-75)~~

**052. Plan Review Fee.** For all systems, approvals of such fees shall be charged as specified in IDAPA 07.03.01, "Rules of Building Safety - General." Section 015: Twenty dollars (\$20) per hour. (12-5-75)(\_\_\_\_)

**02019. SNOW LOADS.**

Plans, when required, will be approved by the ~~D~~division for the indicated designed live load only. Where snow loads occur, acceptance of the designed live load will be subject to the discretion of the local jurisdiction. The approved design live load is to be indicated on the insignia and permit for commercial coaches. (6-12-79)(\_\_\_\_)

**0240. RECIPROCAL AGREEMENTS.**

The provisions for insignia of compliance as specified in a written and signed reciprocal agreement between the ~~department~~ division and any other state shall take precedence over the provisions of these rules. (12-5-75)(\_\_\_\_)

**0221. -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.03.10 - RULES GOVERNING USE OF THE LIFE SAFETY CODE**  
**DOCKET NO. 07-0310-0201 (REPEAL OF CHAPTER)**  
**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2002.

**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 procedure have been initiated. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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 rule is being repealed in its entirety and is being replaced by a new chapter under Docket No. 07-0310-0202 that prescribes the use of the 2000 International Residential Code by the Building Bureau of the Division of Building Safety as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

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

To comply with changes in Section 39-4109, Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21<sup>st</sup> day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St., Meridian, Idaho 83642  
(208) 334-3951 / (208) 855-2164

---

**IDAPA 07.03.10 IS BEING REPEALED IN ITS ENTIRETY**

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.03.10 - RULES GOVERNING USE OF THE INTERNATIONAL RESIDENTIAL CODE

DOCKET NO. 07-0310-0202

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2002.

**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 procedure have been initiated. The action is authorized pursuant to Section(s) 39-4107, 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 16, 2002.

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:

This new chapter adopts by reference the use of the 2000 International Residential Code by the Building Bureau of the Division of Building Safety as a result of recently enacted legislation affecting the Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

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

To comply with changes in Section 39-4109, Idaho Code updating which edition of the International Residential Code is used and the effective date that edition goes into affect.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules necessary to reflect changes in the Idaho Building Code Act as a result of new legislation were supported by the affected industries. The proposed rules were also reviewed, discussed and approved by the Idaho Building Code Board.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21st day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
(208) 334-3951  
(208) 855-2164

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0310-0202**

**IDAPA 07**  
**TITLE 03**  
**Chapter 10**

**07.03.10 - RULES GOVERNING USE OF THE INTERNATIONAL RESIDENTIAL CODE**

**000. LEGAL AUTHORITY.**

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (7-1-02)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.10, "Rules Governing Use of the International Residential Code," Division of Building Safety. (7-1-02)T

**02. Scope.** These rules adopt the International Residential Code and prescribe the criteria for enforcement and administration by the Building Bureau of the Division of Building Safety to enforce the Idaho Building Code Act. (7-1-02)T

**002. WRITTEN INTERPRETATIONS.**

This agency has no written interpretations of this chapter. (7-1-02)T

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. (7-1-02)T

**004. ADOPTION AND INCORPORATION BY REFERENCE**

The International Residential Code, 2000 edition, is hereby incorporated by reference into IDAPA 07.03.10, "Rules Governing Use of the International Residential Code," Division of Building Safety. Under the provisions of Section 39-4109, Idaho Code, the International Residential Code, 2000 edition, except for parts VII and VIII as they pertain to plumbing and electrical requirements, is hereby adopted for the state of Idaho, and shall be in full force and effect on and after July 1, 2002. The referenced code may be obtained from International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 or [www.icbo.org](http://www.icbo.org). (7-1-02)T

**005. -- 999. (RESERVED).**

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.12 - RULES GOVERNING MANUFACTURED HOME INSTALLATIONS**

**DOCKET NO. 07-0312-0201**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 44-2201, 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 16, 2002.

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:

This proposed rule will provide necessary changes to the "Idaho Manufactured Home Installation Standard" to accommodate new or revised provisions relative to foundations contained within the recently adopted 2000 International Building Code and HUD's Permanent Foundations Guide For Manufactured Housing.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules were reviewed, discussed and approved by the IMHA Manufactured Housing Installation Committee and the IMHA Board of Directors.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

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 23, 2002.

DATED this 21st day of August, 2002.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
(208) 334-3951  
(208) 855-2164

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0312-0201**

**07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS**

**000. LEGAL AUTHORITY.**

In accordance with Section 44-2201, Idaho Code, the administrator of the Idaho Division of Building Safety is authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. ~~The administrator may also promulgate rules providing for variances from the installation requirements specified in Section 44-2204 and 44-2205, Idaho Code, or rules specifying standardized installation instructions for manufacturers, or both.~~ (4-5-00)(\_\_\_\_)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," Division of Building Safety; ~~IDAPA 07.03.12.~~ (4-5-00)(\_\_\_\_)

**02. Scope.** These rules apply to the installation of manufactured ~~or~~ mobile homes used for purposes of human habitation (living, sleeping) in the state of Idaho. (4-5-00)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

The Idaho Manufactured Home Installation Standard (January 1, 2002<sup>3</sup> edition) is hereby adopted and incorporated by reference into IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," Division of Building Safety. A current copy is available for review or copying at the office of the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642. (3-15-02)(\_\_\_\_)

**005. APPLICATION - COMPLIANCE.**

**01. Application -- State Preemption.** The standards referred to in this chapter are considered to be a comprehensive statement of all applicable standards which apply to the installation, alteration or repair of manufactured or mobile homes in Idaho. Cities and counties may not adopt or enforce more or less stringent standards, except as permitted by Section 67-6509(Aa) Idaho Code, as it pertains to the siting of manufactured homes in residential areas. (4-5-00)(\_\_\_\_)

**02. Compliance -- Disciplinary Action Against Licensees.** Failure to comply with these standards constitutes grounds for imposition of discipline as provided in Title 44, Chapters 21 and 22, Idaho Code and IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," and 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," Division of Building Safety. (4-5-00)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**012. USE OF MANUFACTURERS' INSTALLATION INSTRUCTIONS.**

~~Installation Instructions.~~ Manufacturer's installation instructions may be used only where specifically permitted within Subsections 301.04 and 304.03 of the standards referenced in Section 005 of this chapter. All manufactured ~~or~~ mobile homes must be installed in accordance with all other applicable state laws pertaining to utility connection requirements. (4-5-00)(\_\_\_\_)

**013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.**

**01. Installation Permit.** The owner or the installer of a manufactured ~~or~~ mobile home must obtain an installation permit as required by city or county ordinance before installing a manufactured ~~or~~ mobile home that will be used as a residence on a building site or in a park. The installer must have a current and valid license in effect at the time of the application for the installation permit. (5-25-94)(\_\_\_\_)

**02. City Or County Jurisdiction.** Cities and counties, which have by ordinance adopted a building

code, shall establish a permit process for the installation of all manufactured ~~or~~ mobile homes within their respective jurisdictions and shall provide for inspection of all work required by the installation provisions of the Idaho Manufactured Home Installation, pursuant to the provisions of Section 44-2202, Idaho Code. Fees for installation permits and inspections shall be as established by the city or county having jurisdiction. ~~(4-5-00)~~(\_\_\_\_)

**014. SUPERVISION BY RESPONSIBLE MANAGING EMPLOYEE.**

A responsible managing employee, as the term is defined in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Subsection 004.20, shall personally supervise any installation of a manufactured ~~or~~ mobile home at its place of occupancy unless the installer licensee personally supervises such installation. ~~(4-5-00)~~(\_\_\_\_)

**015. LICENSE SUSPENSION OR REVOCATION.**

The administrator may suspend or revoke or not renew any license for any willful or repeated violation of IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," Division of Building Safety or Title 44, Chapters 21 or 22, Idaho Code. Any such proceeding shall be handled as a contested case and according to the procedures set forth in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Title 67, Chapter 52, Idaho Code, and ~~the Attorney General's Model~~ IDAPA 04.11.01, "Idaho Rules of Administrative Practice and Procedure of the Attorney General". ~~(4-5-00)~~(\_\_\_\_)

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

### DOCKET NO. 08-0202-0201

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1201 and 33-1204, 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 16, 2002.

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:

Adds to current rules a requirement that technology competency must be demonstrated before being granted a renewed certificate. Evidence that an individual has met the technology competency requirement anytime from January 1997 to the present will meet the new requirements.

**FEE SUMMARY:** There is no fee associated with this rule change.

**NEGOTIATED RULEMAKING:** A form of negotiated rulemaking was conducted. The Professional Standards Commission held teleconference input sessions throughout the six designated education regions, and discussed their final recommendations as a public meeting held in March 2002.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270 or Mike Stefanic at 332-6800.

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 23, 2002.

DATED this 19th day of August, 2002.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720, Boise, ID 83720-0037  
Phone: 208-334-2270 / Fax: 208-334-2632

---

#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0201

**011. *PRESERVICE* TECHNOLOGY STANDARDS.**

The proliferation of technology in our daily lives makes it essential that ~~all students are provided an opportunity to become technologically literate~~ certificated educators are technologically literate. The State Board of Education has



established a statewide goal that teachers and administrators be trained in the use of technology for education. (7-1-99)( )

**01. Preservice Competency.** ~~Effective September 1999, a~~ All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate beginning technology skills by passing a basic educational technology competency assessment. (7-1-99)( )

**02. Assessment Methods.** ~~Preservice educators will be able to use the Idaho Technology Competency Exam, the Idaho Technology Portfolio Assessment, or another process which meets the express approval of the State Board of Education to demonstrate the required basic technology standards.~~ **Renewal.** (7-1-99)( )

**a.** For certificate renewal purposes, all individuals holding a valid Idaho certificate (pre-kindergarten through grade 12) shall demonstrate technology competency by passing a basic educational technology assessment as approved by the State Board of Education. ( )

**b.** As part of the certificate renewal process, the applicant shall submit an original certificate of completion, a notarized copy of the certificate, or an official letter of completion from a State Board of Education-approved provider of the technology competency assessment. ( )

**c.** Evidence of meeting the competency requirement shall be accepted from January 1, 1997, the implementation date as approved by the State Board of Education. For renewal purposes, passing the technology competency assessment is required only once. ( )

**03. Standards.** ~~The technology standards shall be based on the International Society for Technology in Education (ISTE) foundational standards. The assessments shall include the Idaho Technology Competency Exam, the Idaho Technology Portfolio Assessment or another process which meets the express approval of the State Board of Education.~~ **Waiver Of Technology Competency.** (7-1-99)( )

**a.** When applying for certificate renewal, an automatic waiver of the technology requirement shall be granted for any certificated individual who lives outside of the state of Idaho or who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. ( )

**b.** The State Superintendent of Public Instruction will develop and oversee a process for requests for waivers from certificated educators who would otherwise be covered by this rule. ( )

**04. Out-Of-State Applicants.** ( )

**a.** An out-of-state applicant for an Idaho certificate shall be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho technology competency requirement. ( )

**b.** Those individuals who qualify for an Idaho certificate through the NASDTEC (National Association of State Directors of Teacher Education and Certification) Interstate Contract reciprocity agreement shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho technology competency requirement. ( )

**05. Assessment Methods.** Preservice educators, holders of a valid Idaho certificate, and out-of-state applicants may elect to use any State Board of Education-approved technology assessment, including: ( )

**a.** The Idaho Technology Competency Exam; ( )

**b.** The Idaho Technology Portfolio Assessment; ( )

**c.** The Idaho Technology Performance Assessment; or ( )

**d.** Another process which meets the express approval of the State Board of Education to demonstrate the required basic technology competency. ( )

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0202

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1201 and 33-1204, 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 16, 2002.

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:

Creates a process for out-of-state certificate holders to obtain an interim three-year, nonrenewable certificate in Idaho. This new process replaces current processes that allow endorsement of out-of-state certificates for up to five years.

**FEE SUMMARY:** There is no fee associated with this rule change.

**NEGOTIATED RULEMAKING:** A form of negotiated rulemaking was conducted. The Professional Standards Commission held teleconference input sessions throughout the six designated education regions, and discussed their final recommendations at a public meeting held in March 2002.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270 or Mike Stefanic at 332-6800.

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 23, 2002.

DATED this 19th day of August 2002.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

### THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0202

**050. ~~ENDORSEMENT OF OUT-OF-STATE CERTIFICATES~~ IDAHO INTERIM CERTIFICATE.**  
*A certificate issued by another state with equivalent education and currently valid may be endorsed for use in Idaho*

*for the period of its validity, not in excess of five (5) years, providing the certificate to be endorsed has been issued for the same field in which the holder will provide services in Idaho. No emergency certificate from another state may be endorsed. (Section 33-1201, Idaho Code)* (4-1-97)

**01. Prerequisites.** *The following conditions must be met to qualify for endorsement:* **Issuance of Interim Certificate.** The State Board of Education authorizes the Bureau of Teacher Certification/Professional Standards to issue a non-renewable, three-year interim certificate on the Idaho Educator Credential to those applicants who hold a valid certificate/license from another state and do not meet current Idaho standards or do not meet NASDTAC Interstate Contract requirements. (4-1-97)(\_\_\_\_)

- a. The applicant must have attended a regionally accredited institution of higher education.* (4-1-97)
- b. An endorsed certificate will be valid only for the grade levels and subject area approved for the certificate in the state from which it was issued.* (4-1-97)
- c. A certificate will be endorsed for the period of time for which it is valid, but not to exceed five (5) years, at which time a person must qualify for an Idaho certificate or verify three (3) years of satisfactory employment in Idaho in the area of endorsement. After completing experience and renewal requirements, an Idaho certificate may be issued following application.* (4-1-97)

**02. Requirements.** *An endorsement requires the applicant to provide the following materials:* **Waiver of Deficiencies.** Specific academic deficiencies in an endorsement area may be waived upon verification of three (3) years of satisfactory employment in Idaho in the area of endorsement. (4-1-97)(\_\_\_\_)

- a. The original or notarized copy of the original certificate to be endorsed;* (4-1-97)
- b. Official transcripts of record of all college work completed;* (4-1-97)
- c. A completed application for an Idaho certificate;* (4-1-97)
- d. Payment of fee sent with the application;* (4-1-97)

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0203

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-1701 through 33-1708, and 49-2101 through 49-2105, 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 16, 2002.

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:

Standards for teen driver education have been updated in accordance with recommendations from an advisory Driver Education Steering Committee. New standards separate requirements for commercial and public school programs, and provide for minimum course standards for delivery of teen driver education.

**FEE SUMMARY:** There is no fee associated with this rule change.

**NEGOTIATED RULEMAKING:** A form of negotiated rulemaking was conducted. The proposed rule drafts were distributed to all superintendents, public school driver education instructors, public school driver education coordinators, commercial school owners and instructors. Three public meetings were held throughout the state for commercial school owners and instructors to review the proposed rules. Public school personnel have provided comments through email, fax, and phone calls.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270 or Beth Weaver at 332-6800.

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 23, 2002.

DATED this 19th day of August, 2002.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0203

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates into its rules: (4-5-00)

**01. Incorporated Document.** The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession as approved on October 19, 2000. (3-30-01)

**02. Document Availability.** The Idaho Department of Education Certification Standards and Code of Ethics for the Idaho Teaching Profession are available at the Idaho State Department of Education at 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0027. (3-30-01)

**03. Incorporated Document.** The Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. (3-30-01)

**04. Document Availability.** The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at <http://www.sde.state.id.us/osbe>. (3-30-01)

**05. Incorporated Document.** The Standards for Idaho School Buses and Operations as approved on November 15, 2001. (7-1-02)

**06. Document Availability.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (7-1-02)

**07. Incorporated Document.** The Idaho Standards for Public School Driver Education and Training as approved on December 5, 2002. ( )

**08. Document Availability.** The Idaho Standards for Public School Driver Education and Training are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. ( )

**09. Incorporated Document.** The Idaho Licensing Requirements and Standards for Commercial Driving School Education and Training as approved on December 5, 2002. ( )

**10. Document Availability.** The Idaho Licensing Requirements and Standards for Commercial Driving School Education and Training are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**230. DRIVER EDUCATION.**

**01. Public Schools.** All driver education courses offered in Idaho public schools ~~and commercial schools~~ must be conducted in compliance with all the requirements in the ~~Idaho Driver Education Administrative Manual dated October 17, 1996 and published by the State Department of Education and approved by the State Board of Education~~ and Training, Public School Rules and Regulations as approved on December 5, 2002. (4-1-97)( )

**02. Commercial Schools.** All driver education courses offered in Idaho commercial driving schools must be conducted in compliance with all the requirements in the Driver Education and Training, Commercial Driving School Rules and Regulations as approved on December 5, 2002 (Sections 49-2101 through 49-2105, Idaho Code). ( )

# IDAPA 08 - IDAHO STATE BOARD OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0202

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-105(1) and 33-107(3), 33-116, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

**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 16, 2002.

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:

Removal of requirement that nonpublic students take state tests at their own expense; designate battery of tests related to Idaho Standards be called Idaho Standards Achievement Tests, with distinctions by grade level.

**FEE SUMMARY:** There is no fee associated with this rule change.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are not controversial in nature.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 23, 2002.

DATED this 19<sup>th</sup> day of August 2002.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

### THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0202

#### 111. ASSESSMENT IN THE PUBLIC SCHOOLS.

**01. Philosophy.** Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the

State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. A statewide student assessment program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually. The State Board of Education will provide oversight for all components of the comprehensive assessment program. The State Department of Education will be responsible for the administration of assessment efforts as provided for by the State Board of Education. (3-15-02)

- 02. Purposes.** The purpose of assessment in the public schools is to: (3-15-02)
- a.** Measure and improve student achievement; (3-15-02)
  - b.** Assist classroom teachers in designing lessons; (3-15-02)
  - c.** Identify areas needing intervention and remediation, and acceleration; (3-15-02)
  - d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
  - e.** Inform parents and guardians of their child's progress; (3-15-02)
  - f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
  - g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
  - h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

**03. Content.** The comprehensive assessment program will consist of multiple assessments, including ~~level tests~~, the Idaho Reading Indicator, the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), and the Idaho Standards Achievement Tests (~~ISAT~~). (3-15-02)( )

**04. Testing Population.** All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. ~~Non-public school students at those same grade levels are encouraged to participate at non-public school expense.~~ All students who are eligible for special education shall participate in the statewide assessment program. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. English Language Learners (ELL) students who have been in an English speaking school for less than one (1) year and score a 1 or 2 on the Pre-LAS or LAS, or a 1 or 2 on the Woodcock-Munoz, or an A or B on IPT, or limited or intermediate on the Macualitas may be excluded from testing. If the student does not have a local language score they are not excluded from testing. (3-15-02)( )

**05. Scoring And Report Formats.** Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (3-15-02)

~~**06. Comprehensive Assessment Program** (Effective April 1, 2002). In a timeframe specified by the State Board of Education, all students in grade nine (9) and random samples of students in grades ten through twelve (10-12) will take the Idaho Standards Achievement Test, and students in grades two through nine (2-9) will~~

~~participate in level testing on Language Arts/Communications and Math Standards. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess.~~ (3-15-02)

**076. Comprehensive Assessment Program**—~~(Effective August 1, 2002)~~. The State approved comprehensive assessment program is outlined in Subsections 111.07.a. through 111.07.m. Each assessment will be comprehensive of and aligned to the Idaho State Achievement Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in social studies, science, health and humanities.

(3-15-02)( )

- a. Kindergarten - Idaho Reading Indicator. (3-15-02)
- b. Grade 1 - Idaho Reading Indicator. (3-15-02)
- c. Grade 2 - Idaho Reading Indicator, Level Testing on Grade 2 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- d. Grade 3 - Idaho Reading Indicator, Level Testing on Grade 3 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Level Testing on Grade 4 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- f. Grade 5 - Direct Writing Assessment, Level Testing on Grade 5 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- g. Grade 6 - Direct Math Assessment, Level Testing on Grade 6 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- h. Grade 7 - Direct Writing Assessment, Level Testing on Grade 7 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- i. Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Level Testing on Grade 8 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. (3-15-02)( )
- j. Grade 9 - Direct Writing Assessment, Level Testing on Grade 9 Idaho Standards Achievement Test covering Language Arts/Communication and Math Standards. Ninth grade students who meet eligibility criteria as established by the State Board of Education and who have parent approval may take the High School Idaho Standards Achievement Test (ISAT). (3-15-02)( )
- k. Grade 10 - High School Idaho Standards Achievement Test (ISAT) covering Language Arts/Communications and Math Standards\*. (3-15-02)( )
- l. Grade 11 - High School Idaho Standards Achievement Test (ISAT)\*. (3-15-02)( )
- m. Grade 12 - High School Idaho Standards Achievement Test (ISAT)\*. (3-15-02)( )
- n. \*ISAT—Students who do not receive a proficient score on a portion or portions of the High School ISAT Idaho Standards Achievement Test will retake the appropriate portion or portions each time thereafter that it is offered. Once a student achieves proficiency on a portion or portions of the assessment, regardless of which grade level, nine through twelve (9-12), that student is not required to continue taking that portion or portions. (3-15-02)( )

**087. Comprehensive Assessment Program Schedule**—~~(Effective August 1, 2002)~~. (3-15-02)( )

- a. The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho



Code. (3-15-02)

~~b.~~ ~~Level testing will be administered twice annually in September and May.~~ (~~3-15-02~~)

**eb.** The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)

**dc.** The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

**ed.** The Idaho Standards Achievement Tests will be administered twice annually in ~~October and May~~ the Fall and Spring. (~~3-15-02~~)(      )

**098. Costs Paid By The State.** Costs for the following testing activities will be paid by the state: (4-1-97)

**a.** All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

**b.** Statewide distribution of all assessment materials; (3-15-02)

**c.** Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program; and (3-15-02)

**d.** Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment. (3-15-02)

**109. Costs Of Additional Services.** Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

**110. Services.** The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

**121. Test Security.** Test security is of the utmost importance. School districts will employ the same security measures in protecting statewide assessment materials from compromise as they use to safeguard other formal assessments. (3-15-02)

**132. Demographic Information.** Demographic information will be required to assist in interpreting test results. It may include but not be limited to race, sex, ethnicity, special programs, Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status. (3-15-02)

**143. Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

~~a.~~ ~~State developed level tests (grades 2-9).~~ (~~3-15-02~~)

**ba.** The Idaho Standards Achievement Tests (grades ~~10-12~~ 2-9 and High School). (~~3-15-02~~)(      )

**eb.** A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.14.c.i. through 111.14.c.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where dual enrollment is desired. (3-15-02)

**i.** Language Arts/Communications. (3-15-02)

- ii. Math. (3-15-02)
- iii. Science. (3-15-02)
- iv. Social Studies. (3-15-02)
- v. Health. (3-15-02)
- vi. Humanities. (3-15-02)

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0203**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-105(1) and 33-107(3), 33-116, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

**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 16, 2002.

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:

Removed general statements of opinion in the preamble. Proposed necessary changes for consistency and alignment of Humanities standards by grade level; performed general editing; and removed separate World History category in order to be more precise and avoid confusion with Social Studies Standards.

**FEE SUMMARY:** There is no fee associated with this rule change.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are not controversial in nature.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 23, 2002.

DATED this 19th day of August, 2002.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0203**

**107. HIGH SCHOOL GRADUATION STANDARDS (EFFECTIVE JULY 1, 2000).**

The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits. The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the

responsibility to provide education opportunities that meet the needs of students in both academic and vocational areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons.

(3-15-02)

**01. Secondary Language Arts And Communication.** (Nine (9) credits required with instruction in communications including oral communication and technological applications). Includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. A course in speech or a course in debate will fulfill one (1) credit of the nine (9) credit requirement. (7-1-00)

**02. Mathematics And Science.** (Eight (8) credits required) a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory sciences. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (7-1-00)

**03. Social Studies.** (Five (5) credits required), including government (two (2) credits), U.S. history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs and world history may be offered as electives, not to be counted as a social studies requirement. (7-1-00)

**04. Humanities.** (Two (2) credits required). A course in interdisciplinary humanities, visual and performing arts, ~~world history~~, or foreign language. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course syllabus is approved by the State Department of Education as being aligned with the Humanities Standards. (~~3-15-02~~)(    )

**05. Health/Wellness.** (One (1) credit required). A course focusing on positive health habits. (7-1-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**856. GLOSSARY OF HUMANITIES TERMS.**

The following definitions apply only to Sections 856 through 954 of these rules. (3-15-02)

**01. Aesthetics.** A branch of philosophy that deals with issues of beauty. The questions and ideas of aesthetics define what society considers art: the creation and response to art, the role of art in society, and the standards for judging and interpreting the significance of art. (3-15-02)

**02. Application.** The practice of using one's knowledge, techniques, and skills to produce a product. (3-15-02)

**03. Appreciation.** A sensitive awareness; in the context of the arts, a recognition of aesthetic values. (3-15-02)

~~**04. Arts Criticism.** A framework for considering art through description, interpretation, evaluation, theorizing, and making informed judgments. (3-15-02)~~

~~**054. Artifact.** A product of civilization, such as a tool or ornament, that shows human workmanship or modification. (3-15-02)~~

~~**065. Authentic Materials and Resources.** Materials created by people living in their culture (such as a country's newspapers, magazines, or menus) or native speakers themselves. (3-15-02)(    )~~

~~**076. Creative Expression.** An imaginative response that exhibits both feeling and core knowledge of an art form. (3-15-02)~~

- ~~087.~~ **Culture/Cultures.** A group that influences ways of perceiving, valuing, behaving, and believing. (Vesta Daniel Ed.D.) (3-15-02)(\_\_\_\_)
- ~~098.~~ **Disciplines.** Specific fields of study within the arts and humanities such as (visual art, music, theatre, dance, literature, philosophy). (3-15-02)(\_\_\_\_)
- ~~109.~~ **Diversity.** The condition of being different, inclusive of wide ethnic representation, varied viewpoints, and range of abilities. (3-15-02)
- ~~110.~~ **Ethical/Ethics/Ethical.** Relating to moral action, motivation, conduct or character. The discipline dealing with what is good and bad ~~and with~~ moral duty and obligation; ~~behaving according to those determinations.~~ (3-15-02)(\_\_\_\_)
- ~~121.~~ **Expository Writing.** Writing that is neither descriptive nor narrative and whose primary function is to explain and/or define. (3-15-02)
- ~~132.~~ **Genre.** A category of artistic, musical, or literary composition characterized by a particular style, form, or content. (3-15-02)
- ~~143.~~ **Historical/Culture/Living Culture.** A culture, civilization that has existed in the past, ~~as opposed to~~ one that is current and/or evolving. (3-15-02)(\_\_\_\_)
- ~~15.~~ **Improvisational Interpretation.** ~~A performance, speaking or acting, that is delivered without the use of a script.~~ (3-15-02)
- ~~164.~~ **Integrate.** To incorporate into a larger unit. (3-15-02)
- ~~175.~~ **Interdisciplinary Humanities.** A study of two (2) or more related disciplines within the state-adopted list of humanities subjects. (3-15-02)
- ~~186.~~ **Interrelationships.** Mutual or reciprocal relationships of arts and humanities disciplines. (3-15-02)
- ~~197.~~ **Literary Work.** An example of writing that possesses the qualities or characteristics of letters, human learning, or literature. (3-15-02)
- ~~2018.~~ **Nationalism.** A sense of national consciousness, placing primary emphasis on the culture and interests of a particular nation. (3-15-02)
- ~~21.~~ **Persona.** ~~An individual's social façade or front as perceived by others.~~ (3-15-02)
- ~~2219.~~ **Reasoned Dialogue.** The process of presenting a calculated discussion of ideas through logical means ~~(research, debate, analysis, judgment).~~ (3-15-02)
- ~~230.~~ **Replicate.** To repeat or duplicate a product or process. (3-15-02)
- ~~241.~~ **Speculate.** To examine an idea or process and determine a logical outcome. (3-15-02)
- ~~25.~~ **Structural Analysis.** ~~The act of studying how the parts of a work or product are put together.~~ (3-15-02)
- ~~262.~~ **Style.** An accustomed manner or method of creating or performing as sanctioned by an accepted standard. (3-15-02)
- ~~273.~~ **Translate.** To turn into one's own or another language; to change an activity or idea from one (1) form into another. (3-15-02)

**857. IDAHO HUMANITIES STANDARDS.**

*All Idaho students have the right to develop a basic understanding of the humanities disciplines.* In order to achieve success, a student of the humanities must gain content knowledge, practice critical thinking skills, and experience personal expression. These standards offer a framework for student's achievement in the arts and humanities and are organized into the three (3) categories of Interdisciplinary Humanities, Visual and Performing Arts, and Foreign Language. (3-15-02)(\_\_\_\_)

~~**01. Humanities.** (Two (2) credits required). A course in interdisciplinary humanities, visual and performing arts, world history, or foreign language. Other courses such as literature, philosophy, architecture, comparative world religions may satisfy the humanities standards. The course syllabus must be approved by the State Department of Education to assure alignment with the Humanities standards. These varied courses of study hold one (1) concept in common: they all attempt to explain in distinctive ways what it means to be human. In addition, students literate in the humanities.~~ (3-15-02)

- ~~**a.** Become fully empowered to explore human worth and individual destiny. (3-15-02)~~
- ~~**b.** Gain tools that aid them in analyzing the claims of others and making reasoned judgments. (3-15-02)~~
- ~~**c.** Possess the potential to face their futures with essential strengths. (3-15-02)~~
- ~~**d.** More importantly, students who communicate in another language, create a musical sound, provide a dramatic experience, value a work of art, or develop a new idea can more profoundly enjoy life. (3-15-02)~~

~~**02. Student Achievement In The Humanities.** The following document offers a framework for student achievement in the humanities. Three (3) committees of content specialists, business and minority representatives, and educational professionals helped develop the Humanities Standards. These people represented all regions of Idaho; they volunteered their time and expertise, and, through the process, learned much about the relatedness of the humanities. Not every important idea made its way onto paper. However, the essential information remains. Various courses within the humanities disciplines are organized into four (4) groups:~~ (3-15-02)

- ~~**a.** Interdisciplinary Humanities; (3-15-02)~~
- ~~**b.** Visual and Performing Arts; (3-15-02)~~
- ~~**c.** World History; and (3-15-02)~~
- ~~**d.** Foreign Language. (3-15-02)~~

~~**03. Humanities Standards Not A Curriculum Guide.** The Idaho Humanities Standards outline essential information and skills and are not intended to be read as a curriculum guide. The state standards set the goals for what a student in Idaho should know and be able to do in the humanities disciplines. Local school districts will provide classroom opportunities for students to produce measurable products that meet those standards.~~ (3-15-02)

**041. Interdisciplinary Humanities.** The interdisciplinary humanities standards are based on the assumption that connections exist between all aspects of human behavior the arts and humanities disciplines chronicled through history. Through interdisciplinary study, the student *should* acquire knowledge and skills that promote understanding of these connections as they exist among the disciplines of two (2) or more of the following areas: (\_\_\_\_)

- a.** Literature; (\_\_\_\_)
- b.** History; visual and performing arts, and (\_\_\_\_)
- c.** Philosophy; (\_\_\_\_)

- d.     Architecture: ( )
- e.     Music: ( )
- f.     Art: ( )
- g.     Drama: ( )
- h.     Dance: ( )
- i.     ~~f~~Foreign language; and ( )
- j.     Comparative world religion. *The standards carry the presumption that the student has acquired the basic knowledge of each discipline prior to undertaking these studies.* (3-15-02)( )

**052.**     **Visual And Performing Arts.** *The Idaho Standards for Arts Education are a statement of what every Idaho student should know and be able to do in* The visual and performing arts standards address four (4) arts disciplines - music, visual art, theatre, and dance. Their scope is grades K-12, and they speak to address both content and achievement. Practicing the arts disciplines is fundamental to the healthy development of children's mind and spirit, a prerequisite for one becoming a healthy and effective world citizen. For this reason, the arts cannot be separated from the very meaning of the term "education". We know from long experience that no one can claim to be truly educated who lacks basic knowledge and skills in the arts. Arts education benefits the student because it cultivates the whole child, gradually building many kinds of literacy while developing intuition, reasoning, imagination, and dexterity into unique forms of expression and communication. When study and competence in the arts reinforce one another, the joy of learning becomes real, tangible, and powerful. (3-15-02)( )

**06.**     ~~**World History-Humanities (Humanities In A Historical Context).**~~ *World History Humanities exposes the student to the wide diversity of expression chronicled through historical development. With an expanded worldview, the student now defines "self" through the humanities – the expression of individuality and connectedness to mankind as a citizen of the world. Through World History Humanities, the student learns how ideas, beliefs, and values have profoundly influenced human actions throughout history. Religion, philosophy, art, and popular culture have all been central to the aspirations and achievements of all societies, and have been a mainspring of historical change from earliest times. A students' exploration of this sphere of human activity, through literature, sacred writings and oral traditions, political treatise, drama, art, architecture, music, and dance, deepen their understandings of the human experience.* (3-15-02)

**073.**     **Foreign Language.** *Language and communication are at the heart of the human experience. The state of Idaho must equip students with linguistic and cultural skills to communicate in a culturally diverse society. It is presumed that the* The foreign language standards address basic language acquisition skills of (speaking, listening, reading, writing, and observing) are taught in all language courses receiving humanities credit. The material below is designed to integrate the study of a In addition, foreign language with courses satisfying the humanities core requirement include instruction in cultural contexts and, critical thinking, skills and performance. (3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**868.     STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
01. Understand the historical and cultural contexts of the visual and performing arts.	<p>a. <b>MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Name the historical or cultural background of musical selections learned.</li> <li>2. Identify the country or region of musical selections learned.</li> <li>3. Describe the role music plays in today's society.</li> </ol> <p>b. <b>VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Recognize key differences in art works from two different time periods or cultures.</li> <li>2. Identify the purpose of a work of art that was created in the past.</li> <li>3. Describe the role visual arts play in today's society.</li> </ol> <p>c. <b>THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Identify a dramatic presentation as belonging to the past, present, or future.</li> <li>2. Describe the role theatre plays in today's society.</li> </ol> <p>d. <b>DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Identify dances associated with particular places and events.</li> <li>2. Identify historical events or scientific discoveries that have influenced dance.</li> <li>3. Discover common subjects, ideas, and themes in dances from different cultures.</li> <li>4. Describe the role dance plays in today's society.</li> </ol>
02. Understand interrelationships among visual and performing arts disciplines.	<p>a. <b>MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Identify ideas and emotions that are expressed through music and other disciplines.</li> <li>2. Compare a musical selection with another art form that uses a similar style.</li> </ol> <p>b. <b>VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Name ways in which the subject of a work of visual art is similar to another art form (<del>music, dance</del>).</li> <li>2. Identify ideas and emotions that are expressed through visual arts and other disciplines.</li> </ol> <p>c. <b>THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Identify ideas and emotions that are expressed through theatre and other disciplines.</li> <li>2. Compare a written (<del>or</del> visual <u>or oral</u>) story with a dramatic performance of that same story.</li> </ol> <p>d. <b>DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Compare and contrast cultural dances and other art forms represented within a school, community, or region.</li> <li>2. Name common subjects or ideas in dance and other arts of various cultures.</li> <li>3. Identify ideas and emotions that are expressed through dance and other disciplines.</li> </ol>

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**869. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**870. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic,



or ethical arts issues.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>01.</b> Conduct analyses in the arts and humanities disciplines.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Recognize and respond to characteristics and content of various musical forms.</li> <li>2. Examine music as a form of communication.</li> <li>3. Use arts vocabulary to discuss specific works of music.</li> <li>4. Relate the significance of music to one's own life.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Recognize and respond to characteristics and content of various <u>visual</u> art forms.</li> <li>2. Examine the visual arts as a form of communication.</li> <li>3. Use arts vocabulary to discuss specific works of art.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Recognize and respond to characteristics of drama.</li> <li>2. Examine drama as a form of communication.</li> <li>3. Use arts vocabulary to discuss a dramatic performance.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Examine dance as a means of communicating meaning.</li> <li>2. Show how the human body is used to express or communicate action, idea, or experience through movement.</li> <li>3. Compare and contrast dance forms associated with specific groups of people, geographic regions, or time periods.</li> </ol>
<p><b>02.</b> Engage in reasoned dialogue about arts and humanities issues.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Discuss the importance of music in one's own life.</li> <li>2. Draw conclusions about the meaning of the term "classical music."</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Discuss the importance of visual art in one's own life.</li> <li>2. Discuss how symbols create meaning in art.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Discuss the role of drama in one's own life.</li> <li>2. Compare and contrast current forms of drama today <del>(theatre, film, television)</del>.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Identify dance forms associated with particular places or events.</li> <li>2. Locate common themes in dance <del>(such as friendship or family)</del> and create a personal response to that theme.</li> <li>3. Show how dance elicits various interpretations.</li> </ol>
<p><b>03.</b> Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Recognize and verbalize emotions that are associated with music.</li> <li>2. Verbalize personal preferences for a specific work of music, using arts vocabulary.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Discuss characteristics of one's own work and the work of others.</li> <li>2. Compare one's own response to a work of art and to another student's response.</li> <li>3. Show how expression in art causes different responses from viewers.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Verbalize personal preferences of types of drama <del>(formal, informal) within society</del> today.</li> <li>2. Identify the beginning, middle, and ending of dramatic performances.</li> <li>3. Explain preferences for different parts of a dramatic performance.</li> </ol>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
	<p>d. <b>DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Develop and apply arts vocabulary when discussing <del>art</del> dance forms.</li> <li>2. Explain ideas that dances can represent.</li> <li>3. Suggest ways that artists get ideas.</li> <li>4. Voice personal preferences about dances within a classroom or other setting.</li> </ol>

(3-15-02)( )

**871. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**872. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand concepts essential to visual and performing arts.</u></p>	<p>a. <b>MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Read and perform meter, rhythm, and pitch using standard music symbols.</u></li> <li>2. <u>Identify sounds of different instrument families and voices.</u></li> </ol> <p>b. <b>VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. <u>Acquire and develop skills necessary for understanding and applying arts techniques and processes.</u></li> <li>2. <u>Develop and use an arts vocabulary.</u></li> </ol> <p>c. <b>THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Create characters, environments, and situations for dramatization.</u></li> <li>2. <u>Vary movement, vocal pitch, tempo, and tone for different characters.</u></li> <li>3. <u>Observe the visual, aural, oral, and kinesthetic elements of drama.</u></li> <li>4. <u>Develop reasons for personal preferences about dramatic performances.</u></li> </ol> <p>d. <b>DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Identify and isolate movements of body parts.</u></li> <li>2. <u>Demonstrate the difference between tension and relaxation in stillness and motion.</u></li> <li>3. <u>Move without talking.</u></li> <li>4. <u>Illustrate different movement qualities.</u></li> </ol>
<p><b>042.</b> Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</p>	<p>a. <b>MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <del>Read and perform meter, rhythm, and pitch using standard music symbols.</del></li> <li>2. <del>Echo short rhythms and melodic patterns.</del></li> <li>3. <del>Sing on pitch, in rhythm, and with steady tempo.</del></li> <li>41. <del>Sing</del> <u>Identify and perform</u> simple songs from different cultures and genres (<del>ostinatos, rounds</del>).</li> <li>52. Illustrate group singing and instrumental skills in response to conductor cues.</li> <li>6. <del>Identify sounds of different instrument families and voices.</del></li> </ol> <p>b. <b>VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Name and use different art materials (<del>paint, clay, paper, wood</del>).</li> <li>2. <del>Acquire and develop skills necessary for understanding and applying arts techniques and processes.</del></li> <li>32. Reproduce an existing work, respecting the intent of its original creator.</li> <li>4. <del>Develop and use an arts vocabulary.</del></li> <li>53. Express personal preferences for specific works and styles.</li> </ol>

Standard Breakout - By the end of grade 3, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b>                      1. Use dialogue to tell stories <del>and record information on a personal cognitive level.</del>                      2. <del>Create characters, environments, and situations for dramatization. (Let's pretend.)</del>                      3. <del>Vary movement, vocal pitch, tempo, and tone for different characters.</del>                      4. Interact in imaginary situations.                      5. Choose scenery, props, costumes, and makeup for a production.                      6. <del>Observe the visual, aural, oral, and kinetic elements of drama.</del>                      7. <del>Develop reasons for personal preferences about dramatic performances.</del></p> <p><b>d. DANCE:</b>                      1. <del>Identify and isolate movements of body parts.</del>                      2. <del>Demonstrate the difference between tension and relaxation in stillness and motion.</del>                      3. <del>Move without talking.</del>                      4. Demonstrate how the body can create shapes, heights, pathways, and personal space.                      5. Imitate basic body movements, rhythm patterns, and tempos.                      6. Move as an individual and as part of a group.                      7. <del>Illustrate different movement qualities (heavy, light, strong, limp).</del>                      8. <del>Practice appropriate warm-up for large muscle groups.</del></p>
<p><b>023.</b> Communicate in the visual and performing arts through creative expression.</p>	<p><b>a. MUSIC:</b>                      1. Create a <u>musical line melody</u> when given specific guidelines.                      2. Move to the beat of music in both organized and free style.                      3. Improvise "answers" to given rhythmic and/or melodic phrases.                      4. Improvise movement that is stylistically appropriate to music.</p> <p><b>b. VISUAL ARTS:</b>                      1. Show respect for personal work and works of others.                      2. Create a work of art using personal experience and skills.                      3. Experiment with different materials, techniques, and processes in the visual arts.</p> <p><b>c. THEATRE:</b>                      1. Act in an improvisation.                      2. Assume roles based on personal experiences, imagination, and reading.</p> <p><b>d. DANCE:</b>                      1. <del>Invent multiple solutions to movement problems.</del>                      2. Use movement vocabulary to compose a dance phrase.                      3. Create a movement phrase with a beginning, middle, and end.                      4. Use original ideas and/or concepts from other sources <u>to create movement.</u>                      5. Express ideas, moods, and feelings, through dance.</p>

(3-15-02)( )

~~873. -- 874. (RESERVED).~~

~~875. WORLD HISTORY HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) KINDERGARTEN THROUGH GRADE 3.~~  
 World History standards do not apply at these grade levels. (3-15-02)

~~876. -- 882. (RESERVED).~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**886. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**887. STANDARD TWO.**

Conduct structural analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

<b>Standard Breakout - By the end of grade 3, the student will:</b>	<b>Content Knowledge and Skills:</b>
<b>01.</b> Conduct analyses of language.	<b>a.</b> Identify ways one language influences another.
	<b>b.</b> Identify differences and similarities between English and the target language.
<b>02.</b> Engage in reasoned dialogue about language.	<b>a.</b> Compare and contrast the local culture(s) with the one(s) being studied, using authentic <u>materials and</u> sources.
	<b>b.</b> Connect the language of the culture(s) being studied to other disciplines across the curriculum.
<b>03.</b> Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	<b>a.</b> Evaluate a cultural concept or idea within the language of study.

(3-15-02)( )

**888. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.**

**889. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application and creative expression.

<b>Standard Breakout - By the end of grade 3, the student will:</b>	<b>Content Knowledge and Skills:</b>
<b>01.</b> Understand concepts essential to foreign language study.	<b>a.</b> Recognize nonverbal cues and body language typically used in a target culture.
	<b>b.</b> Recognize common phrase groupings and voice inflections.
	<b>c.</b> Recognize the conventions and styles of language appropriate to different ages and social groups.
	<b>d.</b> <del>Recognize that an idea may be expressed in multiple ways in the target language.</del>
<b>02.</b> Communicate in the humanities disciplines through application of language skills.	<b>a.</b> Engage in dialogue using vocabulary and structures in everyday situations.
	<b>b.</b> <u>Create community awareness of a culture through the study a foreign language.</u>
<b>03.</b> Communicate in language study through creative expression.	<b>a.</b> Express preferences, desires, and feelings in the language being studied.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**901. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**

**902. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities

disciplines among various cultures.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p><b>01.</b> Understand the historical and cultural contexts of visual and performing arts.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Identify <del>by genre or style</del> music from various cultures <u>by genre or style</u>.</li> <li>2. Identify characteristics of music from two different historical periods.</li> <li>3. Identify specific compositions as belonging to a particular era in music history.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Compare and contrast specific works of art from two different time periods.</li> <li>2. Show how a specific work of art reflects events in history.</li> <li>3. Compare works of art that represent two different cultures that existed during the same period of history.</li> <li>4. Identify specific works as belonging to a particular era in art history.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Translate a specific historical event into a dramatic presentation.</li> <li>2. Create stage props and scenery that convey <del>the</del> historical accuracy in a dramatic reenactment.</li> <li>3. Improvise <del>historical figures and</del> dialogue <del>typical of that person's culture</del> involving historical figures.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Research dance forms that have evolved during <del>particular</del> <u>specific</u> periods of history.</li> <li>2. Explain how a dance from a <del>specific</del> culture or time period reflects values of its society.</li> </ol>
<p><b>02.</b> Understand interrelationships among visual and performing arts disciplines.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Identify <u>how</u> music and <u>another art</u> <del>(or dance or drama)</del> <u>that has forms</u> have evolved from a similar ethnic, geographical, or historical origin.</li> <li>2. Classify <del>ways</del> <u>similarities</u> in <del>which</del> the elements of music and other art disciplines <del>of from</del> a specific time period <del>are similar</del>.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Classify the ways in which ideas and subject matter of humanities disciplines are <del>inter</del>related.</li> <li>2. Describe how elements of various arts depict ideas and emotions.</li> <li>3. Observe and describe the presence of the visual arts in today's society.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Identify the use of visual art, music, and movement in theatrical presentations.</li> <li>2. <del>Describe the relationship between</del> <u>Define</u> reality and fantasy in drama and other art forms.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Compare and contrast dance and other art forms associated with specific groups of people, geographic regions, or time periods.</li> <li>2. <del>List</del> <u>Identify</u> ways in which art forms <del>(including dance)</del> have been transmitted from one generation to another.</li> </ol>

(3-15-02)( )

**903. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**904. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic,

or ethical arts issues.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p>01. Conduct analyses in the arts and humanities disciplines.</p>	<p>a. <b>MUSIC:</b>                      1. Recognize and respond to specific elements of music (<del>pitch</del> <u>melody, harmony</u>, rhythm, <u>form</u>, timbre, <del>diction, posture, tempo</del>).</p> <p>2. Describe music as a form of communication.</p> <p>3. Use music vocabulary to discuss specific compositions.</p> <p>b. <b>VISUAL ARTS:</b>                      1. Recognize differences between art materials, techniques, and processes.</p> <p>2. Use arts vocabulary to experience and discuss a variety of art works.</p> <p>3. Discuss how people's experiences can influence and develop specific art works.</p> <p>c. <b>THEATRE:</b>                      1. <del>Compare the relationship between theatre and popular notions about entertainment</del> <u>Develop and use theatre vocabulary.</u></p> <p>2. Discuss film and television as effective or ineffective ways to communicate meaning.</p> <p>d. <b>DANCE:</b>                      1. <del>Examine</del> <u>Discuss</u> how dance creates and communicates meaning.</p> <p>2. Speculate how different artistic choices can change the meaning of a dance.</p>
<p>02. Engage in reasoned dialogue about arts and humanities issues.</p>	<p>a. <b>MUSIC:</b>                      1. Discuss the importance of music in our society.</p> <p>2. Discuss the differences between professional and amateur musicians.</p> <p>b. <b>VISUAL ART:</b>                      1. Discuss how art works can elicit different responses.</p> <p>2. Explain the difference between the visual characteristics and the purpose of a specific work of art (<del>beauty versus meaning</del>).</p> <p>c. <b>THEATRE:</b>                      1. Examine how theatre reveals universal themes.</p> <p>2. Explain how facial expression and body language reveal meaning.</p> <p>d. <b>DANCE:</b>                      1. Examine how dance reveals universal themes.</p> <p>2. Identify ways in which the principles of other disciplines (<del>like math or science</del>) relate to movement and dance.</p>
<p>03. Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</p>	<p>a. <b>MUSIC:</b>                      1. <del>Justify personal preferences based on philosophical, aesthetic, or ethical arts issues.</del> <u>Express personal preferences for a specific work using appropriate arts vocabulary.</u></p> <p>2. Identify and <del>debate</del> <u>discuss</u> copyright issues in music.</p> <p>3. Express personal preferences for musical selection, using appropriate arts vocabulary.</p> <p>b. <b>VISUAL ARTS:</b>                      1. Identify and evaluate characteristics of one's own work and works of others.</p> <p>2. Explain how elements of composition and/or organization cause different responses.</p> <p>3. Describe how different media communicate meaning in the visual arts.</p> <p>4. Discuss copyright issues in visual arts.</p> <p>c. <b>THEATRE:</b>                      1. Evaluate one's performance of a scene and the performances of others.</p> <p>2. Explain how lighting, sets, and costumes can create meaning in a dramatic performance.</p>

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
	<p>d. <b>DANCE:</b></p> <p><del>4. Examine how dance contains characteristics and merits that guide assessment of one's works and works of others.</del></p> <p><del>21.</del> Discuss the process and effort involved in developing an idea into a dance work.</p> <p><del>32.</del> Explain how a dance <del>may elicit interpretations different from those intended by the dancer</del> conveys feelings or ideas.</p>

(3-15-02)( )

**905. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**906. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand the concepts essential to visual and performing arts.</u></p>	<p>a. <b>MUSIC:</b></p> <p>1. <u>Improvise simple rhythmic and/or melodic accompaniments.</u></p> <p>2. <u>Read, notate, and perform meter, rhythm, pitch, dynamics, and tempo using standard music symbols.</u></p> <p>3. <u>Identify symbols, traditional terms, and notation in music.</u></p> <p>4. <u>Identify specific instruments in a recording or live performance.</u></p> <p>b. <b>VISUAL ARTS:</b></p> <p>1. <u>Show differences between art materials, techniques, and processes.</u></p> <p>2. <u>Show differences among visual characteristics and purposes of art.</u></p>
	<p>c. <b>THEATRE:</b></p> <p>1. <u>Improvise dialogue to tell stories and record information.</u></p> <p>2. <u>Create characters, environments, and situations for dramatization.</u></p> <p>3. <u>Vary movements, vocal pitch, tempo, and tone for different characters.</u></p> <p>d. <b>DANCE:</b></p> <p>1. <u>Perform given movement sequences that emphasize weight shifts, lateral movement, elevation, and landing (aerial steps).</u></p> <p>2. <u>Memorize set patterns of movement.</u></p> <p>3. <u>Identify components of time, space, and energy elements.</u></p> <p>4. <u>illustrate ways dancers warm up, stretch, and strengthen their bodies.</u></p> <p>5. <u>Identify movement in the three dimensions (vertical, horizontal, sagittal).</u></p>
<p><b>042.</b> Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</p>	<p>a. <b>MUSIC:</b></p> <p>1. Sing in harmony using simple ostanatos, partner songs, descants, and canons.</p> <p>2. Use a variety of sound sources (<del>classroom-instruments, electronic and natural-sounds</del>) to compose/arrange.</p> <p>3. Perform independent instrumental parts while other students sing or play contrasting parts.</p> <p>4. <del>Improvise simple rhythmic and/or melodic accompaniments.</del></p> <p>5. <del>Read, notate, and perform meter, rhythm, pitch, dynamics, and tempo using standard music symbols.</del></p> <p>6. <del>Identify symbols, traditional terms, and notations in music.</del></p> <p>7. <del>Identify specific instruments in a recording or live performance.</del></p>

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
	<p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li><del>1.</del> <del>Show differences between art materials, techniques, and processes.</del></li> <li><del>21.</del> Demonstrate how different media, techniques, and processes are used to communicate ideas.</li> <li><del>3.</del> <del>Show differences among visual characteristics and purposes of art.</del></li> <li><del>42.</del> Demonstrate how composition, expression, and organization of art cause different responses.</li> <li><del>53.</del> Compare ways in which subject matter, symbols, and ideas are used to communicate meaning.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li><del>1.</del> <del>Improvise dialogue to tell stories and record information at a personal cognitive level.</del></li> <li><del>2.</del> <del>Create characters, environments, and situations for dramatization.</del></li> <li><del>3.</del> <del>Vary movements, vocal pitch, tempo, and tone for different characters.</del></li> <li><del>41.</del> Select and organize materials that suggest scenery, properties, lighting, sound, costumes, and makeup.</li> <li><del>52.</del> Use visual elements (<del>space, color, line, shape, texture</del>) to communicate place and mood.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li><del>1.</del> <del>Perform given movement sequences that emphasize weight shifts, lateral movement, elevation, and landing (aerial steps).</del></li> <li><del>2.</del> <del>Perform movement sequences that highlight balance and control.</del></li> <li><del>3.</del> <del>Memorize and perform set patterns of movement.</del></li> <li><del>41.</del> Replicate <del>a movement sequence from</del> one theatrical (<del>concert</del>) and one recreational dance <del>genre</del> <u>movement</u>.</li> <li><del>5.</del> <del>Move various body parts simultaneously.</del></li> <li><del>62.</del> Recreate a rhythmic pattern in movement.</li> <li><del>7.</del> <del>Identify components of time, space, and energy elements.</del></li> <li><del>8.</del> <del>Illustrate the correct way dancers warm up, stretch, and strengthen their bodies.</del></li> <li><del>9.</del> <del>Identify and execute movement in the three dimensions (vertical, horizontal, sagittal).</del></li> </ol>
<p><b>023.</b> Communicate in the visual and performing arts through creative expression.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Sing in a musical group, while blending vocal quality, matching dynamic levels, and responding to cues of a conductor.</li> <li>2. Create/arrange music within specified guidelines (style, form, instrumentation).</li> <li>3. Play rhythmic, melodic, and harmonic classroom instruments expressively.</li> <li>4. <u>Demonstrate appropriate behavior while attending and/or participating in arts events.</u></li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Interpret/<del>perform</del> <u>create</u> a work respecting the intent of its creator.</li> <li>2. Create a work of art using personal experience and skills.</li> <li>3. Identify and demonstrate appropriate behavior when attending and/or participating in arts events.</li> <li>4. Show respect for personal work and works of others.</li> <li>5. Describe how human experience influences the development of specific artworks.</li> <li>6. Predict how specific artworks can elicit different responses.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Plan and interact in improvisations.</li> <li>2. Justify reasons for personal preference concerning dramatic performances.</li> <li>3. Construct and/or apply scenery, properties, costumes, and makeup for a dramatic performance.</li> </ol>



Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
	d. <b>DANCE:</b> 1. Use the elements of dance to <del>abstract a literal gesture</del> communicate. 2. Initiate spontaneous movement to different stimuli. 3. Use contrasts in symmetry and asymmetry. 4. Develop ideas cooperatively with a partner. 5. Use props to extend movement ideas. 6. Imitate steps from two different dance genres <del>(ballet, tap, folk)</del> . 7. Respond physically to a variety of movement images.

(3-15-02)( )

~~907. -- 908. (RESERVED).~~

~~909. WORLD HISTORY HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) GRADES 4 AND 5.~~

~~World History standards do not apply at these grade levels.~~

(3-15-02)

~~910. -- 916. (RESERVED).~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**920. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**921. STANDARD TWO.**

Conduct ~~structural~~ analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 5, the student will:	Content Knowledge and Skills:
01. Conduct analyses of language.	a. Identify and compare diversity within the culture(s) being studied, using authentic <u>materials and resources</u> .
	b. Identify ways one language influences another.
	c. Connect the language of the culture(s) being studied to other disciplines across the curriculum.
02. Engage in reasoned dialogue about language.	a. Compare and contrast the local culture(s) with the one(s) being studied, using authentic <u>materials and resources</u> .
	b. Connect the language of the culture(s) being studied to other disciplines across the curriculum.
03. Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	a. Evaluate a cultural concept or idea within the language of study.
	b. <del>Critique a musical or visual performance representative of the targeted culture.</del> <u>Express a conclusion about a musical or visual performance representative of the targeted culture.</u>

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

937. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.

938. STANDARD TWO.

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<p>01. Conduct analyses in the arts and humanities disciplines.</p>	<p>a. <b>MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Compare and contrast characteristics and content of various musical forms.</li> <li>2. Examine music as a means of communication.</li> <li>3. Use music vocabulary to discuss works of music.</li> </ol> <p>b. <b>VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Recognize and respond to characteristics and content of various art forms.</li> <li>2. Investigate and evaluate the visual arts as a way to create and communicate meaning.</li> <li>3. Analyze the visual arts of different cultures and time periods and compare to one's own culture.</li> <li>4. Interpret a variety of art works using arts vocabulary.</li> </ol> <p>c. <b>THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Investigate and evaluate theatre as a way to create and communicate meaning.</li> <li>2. Compare theatre of different cultures and time periods to contemporary theatre.</li> <li>3. Assess one's interpretation of a dramatic scene with interpretations of others.</li> <li>4. Explain how dramatic elements (<del>lighting, properties, scenery</del>) can contribute to the meaning of a dramatic work.</li> </ol> <p>d. <b>DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Communicate information about an idea or event through dance.</li> <li>2. Discuss various responses and interpretations of a dance performance.</li> <li>3. Explain how lighting, music, and costuming can contribute to the meaning of a dance.</li> <li>4. Explain the role of dance in different time periods.</li> </ol>
<p>02. Engage in reasoned dialogue about arts and humanities issues.</p>	<p>a. <b>MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Defend one's personal preferences in music.</li> <li>2. Describe the significance of music in contemporary society.</li> <li>3. Explain the role of music as entertainment today.</li> </ol> <p>b. <b>VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Assess the characteristics of personal work and the work of others.</li> <li>2. Investigate the various purposes art plays in society today (<del>beauty, commercial, personal-expression</del>).</li> </ol> <p>c. <b>THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Explain the place of role-playing in contemporary society.</li> <li>2. Describe the concept of the hero in real life, in theatrical presentations, and in film.</li> </ol> <p>d. <b>DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Examine how dance reveals universal concepts and themes.</li> <li>2. Compare how various dance forms express different ideas (<del>classical-ballet/traditional love stories or modern ballet/free movement</del>).</li> <li>3. Examine the role of dance in holidays and traditional celebrations.</li> <li>4. <del>Select an abstract idea and find examples of various works of art that represent this concept.</del></li> </ol>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<p><b>03.</b> Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <del>Express</del> Justify personal preferences <del>for a specific work using appropriate arts vocabulary</del> based on philosophical, aesthetic, or ethical arts issues.</li> <li>2. Critique a work based on given criteria.</li> <li>3. Justify personal preferences based on knowledge of music.</li> <li>4. Debate copyright issues in music.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Justify one's personal preferences based on knowledge of the elements of art.</li> <li>2. <del>Describe the difference between an artistic work's purpose and its visual presentation.</del> Describe the purpose and visual presentation of an artistic work.</li> <li>3. Debate copyright issues in visual arts.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Defend one's personal preferences for parts of a dramatic work.</li> <li>2. Discuss drama as a study of human character and personality.</li> <li>3. Use theatrical vocabulary to assess a dramatic performance.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li><del>1. Examine how dance contains characteristics and merits on which to assess one's work and the work of others.</del></li> <li>2. Use appropriate vocabulary when analyzing a dance performance.</li> <li>3. Identify criteria for evaluating dance <del>(skills of dancers, originality, visual and/or emotional impact, variety and contrast).</del></li> </ol>

(3-15-02)( )

**939. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**940. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand concepts essential to visual and performing arts.</u></p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. <u>Improvise simple melodic phrases.</u></li> <li>2. <u>Read and notate music.</u></li> <li>3. <u>Define basic principles of meter, rhythm, tonality, intervals, and chords.</u></li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. <u>Describe factors that make a specific art media, technique, or process effective in communicating an idea.</u></li> <li>2. <u>Use different media, techniques, and processes to communicate an idea or to tell a story.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Improvise dialogue to tell stories and record information at a personal level.</u></li> <li>2. <u>Create characters, environments, and situations to convey a specific idea or mood.</u></li> <li>3. <u>Vary movements and vocal qualities to convey an interpretation of a dramatic work.</u></li> </ol>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. <u>Choreograph correct strengthening and stretching sequences that include all the large muscle groups.</u></li> <li>2. <u>Isolate the movement in major body parts.</u></li> <li>3. <u>Illustrate muscular involvement that results in movement qualities.</u></li> <li>4. <u>Identify and use correctly the large muscle groups in coordinated ways.</u></li> <li>5. <u>Maintain both stationary and moving alignment, balance, and control.</u></li> </ol>
<p><b>042.</b> Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Sing or play with good breath control, expression, and technical accuracy.</li> <li>2. Demonstrate appropriate ensemble skills.</li> <li><del>3. Improvise simple melodic phrases.</del></li> <li><del>43.</del> Implement elements of music composition (<del>unity and variety, tension and release, balance, acoustic and electronic sound sources</del>).</li> <li><del>54.</del> Read and notate music (time and key signatures, note values, standard notation symbols for pitch, duration, dynamics, articulation, expression).</li> <li><del>6.</del> <del>Define basic principles of meter, rhythm, tonality, intervals, and chords.</del></li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li><del>1. Describe factors that make a specific art media, technique, or process effective in communicating an idea.</del></li> <li><del>21.</del> Illustrate how visual structures (<del>line, color, shape, repetition, rhythm, balance</del>) and functions of art improve communication of one's ideas.</li> <li><del>32.</del> Use visual, spatial, and temporal concepts to communicate meaning in a work of art.</li> <li><del>4.</del> <del>Use different media, techniques, and processes to communicate an idea or to tell a story.</del></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Describe factors that make a specific art media, technique, or process effective in communicating an idea.</li> <li>2. Illustrate how visual structures (<del>line, color, shape, repetition, rhythm, balance</del>) and functions of art improve communication of one's ideas.</li> <li>3. Use visual, spatial, and temporal concepts to communicate meaning in theatre.</li> <li>4. Use <del>nonverbal theatre</del> (mime) <u>theatre</u> to communicate an idea or tell a story.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li><del>1.</del> <del>Design an effective personal warm-up.</del></li> <li><del>2.</del> <del>Choreograph correct strengthening and stretching sequences that include all the large muscle groups.</del></li> <li><del>3.</del> <del>Isolate the movement in major body parts.</del></li> <li><del>4.</del> <del>Illustrate muscular involvement that results in movement qualities (heavy, delicate, limp, powerful).</del></li> <li><del>5.</del> <del>Identify and use correctly the large muscle groups in coordinated ways.</del></li> <li><del>6.</del> <del>Maintain both stationary and moving alignment, balance, and control.</del></li> <li><del>71.</del> Identify and execute off-center movement phrases.</li> <li><del>82.</del> Identify and execute movement in the three planes (<del>vertical/frontal, sagittal, horizontal</del>).</li> <li><del>93.</del> Create and follow a floor pattern.</li> <li><del>104.</del> Select and/or make costumes that support the intent of a dance.</li> </ol>
<p><b>023.</b> Communicate in the visual and performing arts through creative expression.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Compose music within specific guidelines (<del>ABA form, limited range, simple rhythms</del>).</li> <li>2. Use a variety of traditional and nontraditional sound sources and electronic media when composing music.</li> <li>3. Perform a work of music considering the intent of its creator.</li> <li>4. Demonstrate appropriate behavior while attending and/or participating in arts events.</li> </ol>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	<p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. <del>Perform or e</del> Create and critique a work considering the intent of its creator.</li> <li>2. Create a work of art that expresses personal understanding, opinions, and beliefs using knowledge of the arts.</li> <li>3. Demonstrate appropriate behavior while attending and/or participating in arts events.</li> <li>4. Show respect for personal work and works of others.</li> <li>5. <u>Create an art work that conveys a human experience or expression.</u></li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Perform or create a work considering the intent of its creator.</li> <li>2. Create a work of art that expresses personal understanding, opinions, and beliefs using knowledge of the arts.</li> <li>3. Plan visual and aural elements and direct improvised and scripted scenes.</li> <li>4. Demonstrate appropriate behavior while attending and/or participating in theatrical events.</li> <li>5. Show respect for personal work and works of others.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Perform two contrasting dance styles (<del>hip-hop, lyrical jazz</del>) within a single genre.</li> <li>2. Perform two out of the three recreational forms (<del>international folk, square, social</del>).</li> <li>3. Replicate a very fast dance (<del>allegro vivace, presto</del>).</li> <li>4. Choreograph a duet demonstrating an understanding of choreographic principles.</li> <li>5. Create a round or canon form for a group of dancers to perform.</li> <li>6. Memorize, practice, refine, and perform a dance created by someone else.</li> </ol>

(3-15-02)( )

~~941. -- 942. (RESERVED).~~

~~943. WORLD HISTORY HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) GRADES 6 THROUGH 8.~~

~~World History standards do not apply at these grade levels.~~

(3-15-02)

944~~1~~. -- 950. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**954. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.**

**955. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
01. Conduct analyses of language.	<p><b>a.</b> Identify and compare diversity within the culture(s) being studied, using authentic <u>materials and resources</u>.</p> <p><b>b.</b> Identify ways one language influences another.</p>

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
	c. Connect the language of the culture(s) being studied to other disciplines across the curriculum.
02. Engage in reasoned dialogue about language.	a. Compare and contrast the local culture(s) with the one(s) being studied, using authentic materials and resources.
	b. Connect the language of the culture(s) being studied to other disciplines across the curriculum.
03. Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	a. Evaluate a cultural concept or idea within the language of study.
	b. Critique a musical or visual performance representative of the targeted culture, <del>predicting possible</del> identifying philosophical, aesthetic, or ethical issues.

(3-15-02)( )

**956. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.**

**957. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 8, the student will:	Content Knowledge and Skills:
01. Understand concepts essential to foreign language study.	a. Recognize nonverbal cues and body language typically used in a target culture.
	b. Recognize and produce common phrase groupings and voice inflections.
	c. Recognize the conventions and styles of language appropriate to different ages and social groups.
	d. Recognize and provide examples of how an idea may be expressed in multiple ways in the target language.
02. Communicate in the humanities disciplines through application of language skills.	a. Engage in dialogue using vocabulary and structures in everyday situations.
	b. Create community awareness of a culture through a foreign language.
	c. <u>Use appropriate language to exchange information about topics at a personal level.</u>
03. Communicate in language study through creative expression.	a. Express preferences, desires, and feelings in the language being studied.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**960. INTERDISCIPLINARY HUMANITIES - GRADES 9 THROUGH 12, SECTIONS 961 THROUGH 966.**

**961. HISTORICAL AND CULTURAL CONTEXTS OF INTERDISCIPLINARY HUMANITIES.**

**962. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
01. Understand the historical contexts of the arts and humanities.	a. Identify, in context, events and people influential in the development of historical and living cultures.
	b. Demonstrate the ways in which the arts and humanities affect <i>historical</i> events.
	c. <u>Illustrate how an artifact symbolizes and reflects a particular culture and/or religious belief</u>
02. Understand the interrelationships within the arts and humanities disciplines.	a. Acquire a working vocabulary of two or more humanities disciplines.
	b. Compare and contrast the products and processes of two humanities disciplines.
	c. Examine the relationship between two or more disciplines and the extent to which they enhance or influence each other.
03. Understand the interrelationships between cultures and the arts and humanities.	a. Identify the ways the structure of an art or discipline mirrors the structure and values of society.
	b. Assess the ways that the humanities <u>disciplines</u> affect human relationships.

(3-15-02)( )

**963. CRITICAL THINKING IN INTERDISCIPLINARY HUMANITIES.**

**964. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
01. Conduct analyses in the arts and humanities disciplines.	a. Relate arts and humanities disciplines to past, present, or future ethical issues.
	b. Compare and contrast works or ideas from at least two cultures, historical periods, or geographical areas.
	c. <u>Illustrate ways in which the arts and humanities break through class barriers.</u>
02. Engage in reasoned dialogue about arts and humanities issues.	a. Analyze an artifact or idea in the context of its societal values.
	b. <u>Describe the influence of world religion on government, culture, artistic creation, technological development, and/or social conduct.</u>
03. Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	a. Establish a set of aesthetic criteria and apply it in evaluating one's own work and works of others.
	b. <u>Explain how artworks are affected or altered by historical events and/or movements.</u>

(3-15-02)( )

**965. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE INTERDISCIPLINARY HUMANITIES.**

**966. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
01. Understand concepts essential to the arts and humanities disciplines.	a. <del>Define</del> <u>Demonstrate the role of</u> diversity within the arts and humanities.
	b. <del>Compare and contrast content</del> <u>Demonstrate</u> knowledge <del>between two of</del> <u>common themes in the arts and</u> humanities disciplines.
02. Communicate in the humanities disciplines through application of knowledge and skills.	a. Illustrate or document the potential of the arts and humanities to enhance and expand <del>the student's one's</del> worldview.
	b. <u>Interpret how a literary work relates to the history and/or culture from which it originated.</u>
03. Communicate in the humanities disciplines through creative expression.	a. Express, through means other than expository writing, an understanding and appreciation of the arts and humanities.
	b. <del>Express a relationship between two humanities art forms showing how they compliment one another.</del> <u>Illustrate a connection between two humanities disciplines, showing how they compliment one another.</u>
	c. <u>Create an artistic work that expresses the uniqueness of a historical period.</u>

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**969. VISUAL AND PERFORMING ARTS - GRADES 9 THROUGH 12, SECTIONS 970 THROUGH 975.**

**970. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**

**971. STANDARD ONE.**

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
01. Understand the historical and cultural contexts of the visual and performing arts.	a. <b>MUSIC:</b> 1. Identify representative musical works from a variety of cultures and historical periods. 2. Outline the purpose and function of a particular form of music through history. 3. Compare and contrast <del>musical aesthetics</del> <u>aesthetical aspects of music</u> from different cultural perspectives.
	b. <b>VISUAL ARTS:</b> 1. Compare and contrast the historical, social, and environmental contexts that influence artistic expression. 2. Identify representative visual works of art from a variety of cultures and historical periods. 3. Compare and contrast aesthetics ( <del>study of beauty, art, and taste</del> ) from different cultural perspectives. 4. Outline the history, purpose, and function of a particular visual art form.



Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>Show how theatre has a history, purpose, and function in cultures.</li> <li>Compare and contrast the various historical and cultural contexts <del>that</del> influencing theatrical expression.</li> <li>Identify representative dramatic works from a variety of cultures and historical periods.</li> <li>Trace the meaning of a dramatic term, such as "tragedy," "comedy," or "protagonist" through history.</li> <li>Illustrate an understanding of cultural and historical perspectives required by a specific text.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>Use historical inquiry to examine the relationships between dance works and the culture and times in which they exist.</li> <li>Show how dance has a history, purpose, and function in cultures.</li> <li>Explore <del>the</del> human experience as it relates to dance across cultures and time.</li> </ol>
<p><b>02.</b> Understand interrelationships among visual and performing arts disciplines.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>Identify various musical forms that have literary or artistic counterparts in other arts disciplines <del>(expressionist art, music).</del></li> <li>Make connections between the history of one art form and another related art form <del>(music and art history).</del></li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>Identify the use of visual arts in theatre, dance, and musical productions.</li> <li>Identify artists who practice in more than one art form.</li> <li>Relate the trends and movements in visual art to other disciplines in the arts and humanities.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>Demonstrate the use of art forms required for dramatic performances that create functional scenery, properties, lighting, sound, costumes, and makeup.</li> <li>Plan visual and aural elements for improvised and scripted scenes.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>Demonstrate the use of art forms required for dance performances that create functional scenery, properties, lighting, sound, costumes.</li> <li>Show how dance ideas can originate from visual arts works.</li> </ol>

(3-15-02)( )

**972. CRITICAL THINKING IN THE VISUAL AND PERFORMING ARTS.**

**973. STANDARD TWO.**

Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>01.</b> Conduct analyses in the arts and humanities disciplines.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>Develop and use music vocabulary to discuss musical forms.</li> <li><del>Analyze</del> Compare two contrasting musical works.</li> <li>Discuss the similarities and differences of artistic styles.</li> <li>Recognize common themes <del>that</del> appearing in music throughout history.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>Develop and use arts vocabulary to discuss a variety of art forms.</li> <li>Develop and present basic analyses of works of visual art from structural, historical, and cultural perspectives.</li> </ol>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Develop and use theatre vocabulary to critique dramatic performances.</li> <li>2. Develop and present basic analyses of theatrical works from different perspectives.</li> <li>3. <u>Compare the relationship between traditional theatre and contemporary trends in entertainment.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Develop and use dance vocabulary to discuss a variety of dance forms and styles.</li> <li>2. Present analyses of dance performances, <del>through</del> examining how dance creates and communicates meaning.</li> <li>3. Recognize <del>point of view as</del> physical, psychological, and/or cultural aspects of dance.</li> </ol>
<p><b>02.</b> Engage in reasoned dialogue about arts and humanities issues.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Write an informed critique about a live musical performance.</li> <li>2. Offer an informed opinion regarding current arts issues in one's community.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Identify the role of the arts in today's society, including career and avocation opportunities.</li> <li>2. Discuss the relationship between concepts of "truth" and beauty in the visual arts.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Discuss <del>the</del> recurring interest in classical drama techniques and procedures.</li> <li>2. Describe a modern drama as significant and thoughtful.</li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Explore reasons why subjects and ideas are reinterpreted through the arts in different cultures.</li> <li>2. Examine how dance reveals universal concepts and themes.</li> </ol>
<p><b>03.</b> Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Express personal preference for music, using appropriate musical terminology.</li> <li>2. Research and report on controversial issues in musical circles.</li> <li>3. Offer an alternative for copyright infringement, both for the consumer and the artist.</li> <li>4. Critique a musical work or performance based on given criteria.</li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. Express personal preference for visual art, using appropriate arts vocabulary.</li> <li>2. Discuss <del>the</del> dividing lines between imitating a master's style of creation and unfairly "copying" another person's original work.</li> <li>3. Identify common symbols used in interpreting visual arts.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. <del>Articulate and justify personal aesthetic criteria with the intent of a final aesthetic achievement (quality).</del> Describe and defend one's rationale for critiquing a dramatic performance.</li> <li>2. <u>Discuss, research, and analyze production and performance appropriateness of a theatrical work within a given community.</u></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Create and revise a dance, articulating reasons for artistic decisions and what was gained or lost by those decisions.</li> <li>2. Apply specific criteria for making informed critical evaluations of the quality and effectiveness of performances, choreography, and other aspects of a dance presentation.</li> <li>3. <u>Examine how a dance may elicit interpretations different from those intended by the dancer.</u></li> </ol>

(3-15-02)( )

**974. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN THE VISUAL AND PERFORMING ARTS.**

**975. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<p><b>01.</b> <u>Understand concepts essential to visual and performing arts.</u></p>	<p><b>a. MUSIC:</b>                      1. <u>Improvise musical lines using rhythm, melodic embellishments, and harmony.</u>                      2. <u>Articulate a method of consistent and efficient musical practice.</u></p> <p><b>b. VISUAL ARTS:</b>                      1. <u>Develop skills necessary to apply artistic techniques and processes.</u>                      2. <u>Use media, techniques, and processes that convey artistic intentions.</u>                      3. <u>Analyze effectiveness of various selections of art in relation to organizational structures and functions.</u>                      4. <u>Demonstrate how organizational principles and functions can be used to solve specific visual arts problems.</u></p> <p><b>c. THEATRE:</b>                      1. <u>Interpret scripts to convey story and meaning to an audience.</u>                      2. <u>Research and apply physical, emotional, and social dimensions involved in creating character.</u>                      3. <u>Analyze visual, aural, oral, and kinetic elements of a dramatic performance.</u></p>
	<p><b>d. DANCE:</b>                      1. <u>Use and refine complex movement patterns from two different genres.</u>                      2. <u>Describe similarities and differences between two contemporary theatrical/concert dance forms.</u></p>
<p><b>042.</b> Communicate in the visual and performing arts through application of artistic concepts, knowledge, and skills.</p>	<p><b>a. MUSIC:</b>                      1. Perform <u>soles in an ensemble or as a soloist</u> using appropriate musical technique (<del>breath control, intonation, expression, technical accuracy, phrasing and interpretation</del>).                      2. <del>Improvise musical lines using rhythm, melodic embellishments, and harmony.</del> Interpret/perform a musical selection, respecting the intent of its creator.                      3. <del>Articulate a method of consistent and efficient musical practice.</del></p> <p><b>b. VISUAL ARTS:</b>                      1. <del>Develop skills necessary to apply artistic techniques and processes.</del>                      21. Interpret a work, respecting the intent of its original creator.                      32. Demonstrate appropriate behavior while attending or participating in arts events.                      43. Show respect for personal work and work of others.                      5. <del>Use media, techniques, and processes that convey artistic intentions.</del>                      6. <del>Analyze the effectiveness of various selections of art in relation to organizational structures and functions.</del>                      7. <del>Demonstrate how organizational principles and functions can be used to solve specific visual arts problems.</del></p>

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
	<p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li>1. Show how varying collaborative efforts and artistic choices can affect performances and formal productions.</li> <li>2. Construct imaginative scripts that convey story and meaning to an audience.</li> <li>3. Interpret/perform a work respecting the intent of its creator.</li> <li>4. Create a dramatic work that expresses personal understanding, opinions, beliefs, and knowledge of the arts.</li> <li><del>5. <i>Improvise and refine scripts to convey story and meaning to an audience.</i></del></li> <li><del>6. <i>Research and apply physical, emotional, and social dimensions involved in creating character.</i></del></li> <li><del>7. <i>Analyze visual, aural, oral, and kinetic elements of a dramatic performance.</i></del></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li><del>1. <i>Use and refine complex movement patterns from two different genres.</i></del></li> <li><del>21. Identify and incorporate cultural styles and nuances in a selected genre.</del></li> <li><del>32. Study a choreographer's intent and interpret it clearly for an audience.</del></li> <li><del>4. <i>Perform and describe similarities and differences between two contemporary theatrical/concert dance forms.</i></del></li> </ol>
<p><b>023.</b> Communicate in the visual and performing arts through creative expression.</p>	<p><b>a. MUSIC:</b></p> <ol style="list-style-type: none"> <li>1. Demonstrate advanced ensemble skills.</li> <li>2. Read music that contains moderate technical demands, expanded ranges, and varied interpretive requirements.</li> <li><del>3. <i>Sing or play a varied repertoire of music literature with expression and technical accuracy.</i></del></li> <li><del>43. Perform <i>with expression and technical accuracy</i> varied musical works at a moderate level of difficulty <i>with expression and technical accuracy.</i></del></li> <li><del>54. Improvise rhythmic and melodic variations on given melodies.</del></li> </ol> <p><b>b. VISUAL ARTS:</b></p> <ol style="list-style-type: none"> <li>1. <del>Plan a work of art <i>Applying</i> media, techniques, and processes with <i>sufficient</i> skill, confidence, and sensitivity <i>that one's intentions are carried out in works of art.</i></del></li> <li>2. Apply various symbols, subjects, and ideas in one's artwork.</li> <li>3. Illustrate <del>the</del> effectiveness of various artworks in terms of organizational structures and functions.</li> </ol> <p><b>c. THEATRE:</b></p> <ol style="list-style-type: none"> <li><del>1. <i>Create design sets that enhance the meaning of a performance.</i></del></li> <li><del>21. Develop and sustain a character <i>that who</i> communicates with the audience.</del></li> <li><del>32. Organize and conduct rehearsals for <i>formal or informal</i> productions.</del></li> <li><del>43. Plan and <i>develop original set</i> designs <i>of sets to convey environments that support the a dramatic</i> text.</del></li> <li><del>54. Create a dramatic work that expresses personal understanding, opinions, beliefs, and knowledge of the arts.</del></li> </ol> <p><b>d. DANCE:</b></p> <ol style="list-style-type: none"> <li>1. Demonstrate <del>the</del> ability to vary <del>thematic</del> movements <del>themes</del>.</li> <li>2. Create a <del>climactic</del> <del>dramatic</del> moment within a long phrase, using contrast in energy and tempo.</li> <li>3. Compose dance studies <del>that exhibiting</del> a range of structural forms <del>(ABA, variation, canon, rondo, chance).</del></li> <li>4. Choreograph a dance with a clear intent.</li> <li>5. Choreograph a dance without music and select or create an effective accompaniment.</li> <li><del>6. <i>Work with a partner on interrelated movement sequences (supporting, giving and receiving weight, counterbalancing).</i></del></li> <li><del>7. <i>Contrast balanced and off-balance movement as in fall and recovery.</i></del></li> <li><del>8. <i>Identify and execute three-dimensional movement.</i></del></li> </ol>

(3-15-02)( )

976. -- 977. (RESERVED);

~~978. WORLD HISTORY HUMANITIES (HUMANITIES IN A HISTORICAL CONTEXT) – GRADES 9 THROUGH 12, SECTIONS 979 THROUGH 984.~~

~~979. HISTORICAL AND CULTURAL CONTEXTS OF WORLD HISTORY.~~

~~980. STANDARD ONE.~~

~~Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.~~

<b>Standard Breakout – By the end of grade 12, the student will:</b>	<b>Content Knowledge and Skills:</b>
<del>01. Understand the historical contexts of the arts and humanities disciplines among various cultures.</del>	<del>a. Identify an example of the arts or humanities that has influenced or reflected an historical event.</del>
	<del>b. Know how an artifact symbolizes and reflects a particular culture and its ideology.</del>
<del>02. Understand the cultural contexts of the arts and humanities disciplines.</del>	<del>a. Identify an example of the arts or humanities that has influenced or reflected a cultural event.</del>
	<del>b. Identify a literary, artistic, or philosophical work that influences or reflects cultural values.</del>
<del>03. Understand the interrelationships within the arts and humanities disciplines.</del>	<del>a. Determine the characteristics of a particular artistic style and identify how that style reflects religious, cultural, or societal values.</del>
	<del>b. Describe ways in which artifacts symbolize and reflect a particular culture and its ideology.</del>
	<del>c. Identify a political theme captured in various works of art, as well as movements in art.</del>
	<del>d. Identify how a world religion has influenced and enhanced the arts and humanities.</del>
<del>04. Understand the interrelationships between cultures and the arts and humanities.</del>	<del>a. Explain how a work of literature reflects the political and intellectual climate of its historical context.</del>
	<del>b. Relate the significance of nationalism, patriotism, and cultural identity in the arts and humanities (national anthems, dances, customs, and religious practices).</del>

(3-15-02)

~~981. CRITICAL THINKING IN WORLD HISTORY.~~

~~982. STANDARD TWO.~~

~~Conduct structural analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.~~

<b>Standard Breakout – By the end of grade 12, the student will:</b>	<b>Content Knowledge and Skills:</b>
<del>01. Conduct analyses in the arts and humanities disciplines.</del>	<del>a. Use the Socratic Method to analyze a discipline in the arts or humanities.</del>
	<del>b. Identify and explain how a historical figure, event, or condition has dramatically impacted philosophical, aesthetic, or ethical issues.</del>
	<del>c. Understand the main reasons for major migration of people.</del>
	<del>d. Explain the importance and levels of social classes.</del>

<b>Standard Breakout – By the end of grade 12, the student will:</b>	<b>Content Knowledge and Skills:</b>
<b>02.</b> Engage in reasoned dialogue about arts and humanities issues.	<b>a.</b> Discuss the ethical limits to the pursuit of peace, prosperity, and individual happiness.
	<b>b.</b> Explain how the arts make a society more humane, compassionate, and enjoyable.
	<b>c.</b> Describe a world society void of the arts and humanities.
	<b>d.</b> Draw parallels between the lives, works, and influences of representative artists throughout history.
<b>03.</b> Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	<b>a.</b> Compare and contrast documented facts with intentional or unintentional distortions of a historical record.
	<b>b.</b> Describe the major influence of world religion on government, culture, technological development, and social conduct.
	<b>c.</b> Compare similarities among contemporary and historical works of literature, art, music, dance, and drama.
	<b>d.</b> Compare cultural similarities and/or differences among contemporary Post World War II works of literature, art, music, dance, and drama.
	<b>e.</b> Explain how visual, spatial, temporal, and functional values of artworks are tempered by history.

(3-15-02)

**983. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN WORLD HISTORY.**

**984. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

<b>Standard Breakout – By the end of grade 12, the student will:</b>	<b>Content Knowledge and Skills:</b>
<b>01.</b> Understand the basic knowledge essential to world history.	<b>a.</b> Recognize the five components that define civilization (highly organized society, specialized workers, communication, advanced technology, and complex institutions).
	<b>b.</b> Show the causes and effects of social stratification.
	<b>c.</b> Illustrate ways in which the arts and humanities break through class barriers.
	<b>d.</b> Demonstrate common themes in the arts and humanities that appear in various historical periods.
<b>02.</b> Communicate in the humanities disciplines through application of knowledge.	<b>a.</b> Report on how a literary work relates to the history and culture from which it originated.
	<b>b.</b> Participate in a dialogue that debates the pros and cons of a state-supported system in the arts and humanities versus private sponsored funding of the arts and humanities in a modern society.
<b>03.</b> Communicate in the humanities disciplines through creative expression.	<b>a.</b> Create an artistic work that expresses the uniqueness of a historical period.
	<b>b.</b> Apply the concepts of artistic criticism to representative works from a historical period.

(3-15-02)

985-986. (RESERVED).

987. FOREIGN LANGUAGE - GRADES 9 THROUGH 12, SECTIONS 988 THROUGH 993.

988. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.

989. STANDARD ONE.

Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
01. Understand the historical contexts of language study.	a. Identify historical events related to the language(s) being studied.
	b. Identify and categorize expressions used historically and idiomatically.
02. Understand the interrelationships between language study and the arts and humanities disciplines.	a. Identify basic cultural and traditional relationships within the target language.
	b. Examine and critique the use of the target language in the arts and humanities disciplines.
	c. Compare and contrast linguistic, cultural, and traditional relationships.
	<del>d. Compose an original work employing the target language.</del>
03. Understand the interrelationships between cultures and the language of those cultures.	a. Identify regional differences within the language and culture(s) being studied.
	b. Outline cultural beliefs of people in the target language.
	c. Identify patterns and behaviors and their interaction in various settings in the target language.
	d. Recognize and compare contributions of native cultures to the target language.

(3-15-02)( )

990. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.

991. STANDARD TWO.

Conduct ~~structural~~ analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
01. Conduct analyses of language.	a. Identify and compare perspectives and diversity of the culture(s) being studied, using authentic <u>materials and resources</u> .
	b. Analyze the influence of the language being studied on other languages and cultures.
02. Engage in reasoned dialogue about language.	a. Compare and contrast local culture with the one(s) being studied, using authentic <u>materials and resources</u> .
	b. Connect the language of the culture(s) being studied to other disciplines across the curriculum.
03. Demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues.	a. Evaluate a cultural concept or idea within the language of study.
	<del>b. Critique a musical or visual performance representative of the targeted culture, predicting possible philosophical, aesthetic, or ethical issues.</del>

(3-15-02)( )

992. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.

**993. STANDARD THREE.**

Communicate in the humanities disciplines through acquisition, application, and creative expression.

Standard Breakout - By the end of grade 12, the student will:	Content Knowledge and Skills:
<b>01.</b> Understand concepts essential to foreign language study.	<b>a.</b> Recognize nonverbal cues and body language typically used in a target culture.
	<b>b.</b> Recognize and produce common phrase groupings and voice inflections.
	<b>c.</b> Recognize the conventions and styles of language appropriate to different ages and social groups.
	<b>d.</b> Use appropriate cultural responses in diverse exchanges <del>(expressing gratefulness, extending invitations, apologizing, closing a conversation).</del>
	<b>e.</b> Recognize and provide examples of how an idea may be expressed in multiple ways in the target language.
<b>02.</b> Communicate in the humanities disciplines through application of language skills.	<b>a.</b> Engage in dialogue using vocabulary and structures in everyday situations.
	<b>b.</b> Use target language to express one's point-of-view through the exchange of personal feelings and ideas with members of the target culture.
	<b>c.</b> Create community awareness of a culture through a foreign language.
	<b>d.</b> Use appropriate language to exchange information about national and international topics <del>(information from newspaper or magazine articles, programs on television, radio, or video).</del>
	<b>e.</b> Write in the target language in a variety of forms (personal essays, poems, letters, stories, e-mail, articles, reports).
<b>03.</b> Communicate in language study through creative expression.	<b>a.</b> Express preferences, desires, opinions, and feelings in the language being studied.
	<b>b.</b> React to current issues in the target language.

(3-15-02)( )



**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION**

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0204**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-105(1) and 33-107(3), 33-116, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

**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 16, 2002.

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:

Adjustments to the Language Arts/ Communication Standards to ensure standards and content knowledge and skills are grade appropriate; and performed grammatical and technical wording changes.

**FEE SUMMARY:** There is no fee associated with this rule change.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are not controversial in nature.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 23, 2002.

DATED this 19th day of August, 2002.

Randi McDermott  
State Board of Education  
650 W. State St.  
PO Box 83720  
Boise, ID 83720-0037  
Phone: 208-334-2270  
Fax: 208-334-2632

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0204**

**669. LANGUAGE ARTS/COMMUNICATIONS STANDARDS.**

~~01. Languages And Communications.~~ Language, the gateway to learning, provides our most powerful and readily available tool to represent the world to ourselves as well as ourselves to the world. Not only a means of

communications, language serves as our primary instrument of thought, a defining feature of culture, and an unmistakable mark of personal identity. ~~Encouraging and enabling students to effectively use language remains one of society's most significant tasks. Educators, parents, and communities share responsibility in helping students prepare for productive performance. When students exit high school, they will be able to use reading, writing, listening, speaking, and viewing for personal use, as a citizen and consumer, in the workplace, for cultural enrichment, in the Fine Arts, and for lifelong learning.~~ (3-15-02)

~~02- Local District Book Lists. Local districts may determine book lists to support the Language Arts/Communications Standards. If needed, the State Department of Education's English Language Arts Specialist can provide suggested grade-level lists.~~ (3-15-02)( )

**670. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - KINDERGARTEN, SECTIONS 671 THROUGH 675.**

**671. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
<p><b>01.</b> Read a variety of traditional and electronic materials for information and understanding.</p>	<p><b>a.</b> Use decoding and word-recognition strategies to fluently read kindergarten materials.</p>
	<p><b>Phonics/Phonemic Awareness</b></p>
	<p><b>b.</b> Using various techniques, identify and /or name two or more words that rhyme:                      - Complete phrases and sentences with rhyming words;                      - Produce a word that rhymes with a <u>given one-syllable</u> word;                      - Recognize if two or more one-syllable words rhyme.</p>
	<p><b>c.</b> Using varied techniques, orally segment:                      - Sentences into words; - Syllables into sounds; - Words into syllables and sounds.</p>
	<p><b>d.</b> Orally blend phonemes into words.</p>
	<p><b>Phonics</b></p>
	<p><b>e.</b> Recognize names of upper and lower case letters.</p>
	<p><b>f.</b> Associate letters to letter sounds.</p>
	<p><b>g.</b> Identify beginning, middle, and ending letters in a word.</p>
	<p><b>Concepts About Print (CAP)</b></p>
	<p><b>h.</b> - Identify front of book; - Attend to print; - Use picture clues to support text; - Use story language; - Know where to start reading; - Move left to right across print; - Make return sweep to next line of text; - Match word by word; - Understand first and last of text, top and bottom of page, and order of pages for turning; - Read left page before right page; - Identify one or two letters; first and last letter, and capital letters; <del>point to</del> <u>locate</u> specific letters when requested; - Match upper and lower case letters; - Use beginning sounds and final letters.</p>
	<p><b>Reading Strategies</b></p>
	<p><b>i.</b> - Draw on prior knowledge, discuss, and generate questions to predict text; - Prior to reading, preview illustrations and opening pages of a text, title page, and table of contents.</p>
	<p><b>Context Clues</b></p>
<p><b>j.</b> Use pictures and follow patterns to <del>group</del> <u>gain</u> meaning from print.</p>	
<p><b>Word Analysis</b></p>	
<p><b>k.</b> Use beginning letter sounds and pictures to identify words in order to cross check.</p>	

Standard - The student will:	Content Knowledge and Skills:
02. Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.	a. Offer relevant background information during pre-reading discussion.
	b. Demonstrate understanding of vocabulary of story during post-discussion or story response.
03. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	a. Retell a story that includes setting, plot, and characters.
	b. Identify the following story elements within a literary text: - Character; - Setting; - Simple sequence of events, including clear beginning, middle, and end; - Problems and solutions.
	c. Determine cause and effect relationships by responding to "why," "how," and "what-if" questions.
	d. Distinguish between <u>real and pretend</u> (fiction and nonfiction) <del>and real and pretend</del> .
04. Read to locate information from a variety of traditional, technical, and electronic sources.	a. Locate resources for finding words in the classroom: - Word wall; - Color word chart; - Number word chart; - Familiar books; - Children's name labels and name tags; - Pictionary; - Computer; - Title page; - Dictionary.
05. Read for technical information.	a. Identify five software icons located in the classroom and school.

(3-15-02)( )

**672. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience.

(3-15-02)

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	a. Demonstrate <u>an</u> understanding <del>and application of steps</del> of the writing process: - Brainstorm; - Draft; - Teacher conference; - Revise; - Edit; - Publish; - Share.
	b. Write legibly.
	c. Use technology to create a piece for publication.
	d. Develop vocabulary.
02. Write and edit for correctness and clarity.	a. Apply rules and conventions for the following: - Grammar; - Punctuation; - Capitalization; - Spelling.
	<del>b. Develop a sentence that focuses on a main idea; - Differentiate between letters and words; - Write for personal and practical needs.</del>
03. Write a narrative essay <del>which that</del> aligns with the <del>fourth-grade</del> Direct Writing Assessment.	a. Write a narrative composition with a picture and at least one simple sentence that establishes and supports a central idea.

(3-15-02)( )

**673. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Listen and respond to a variety of electronic and live presentations.
	b. Listen to gain enrichment and information about various cultures.
	c. <u>Demonstrate effective and appropriate listening skills using the following:</u> - Eye contact; - Taking turns in conversations; - Maintaining attention.

Standard - The student will:	Content Knowledge and Skills:
02. Listen for literary response and expression.	a. Listen to literature presented using a variety of media such as teacher reading, computer, tape, <u>and/or</u> video.
03. Listen for critical analysis and evaluation.	a. Listen for specific information.
04. Listen to and follow directions.	a. <del>Frequently provide opportunities for students to follow</del> <u>verbal/oral</u> directions.

(3-15-02)( )

**674. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share understanding of information.	a. Develop awareness of speaker behaviors, such as posture, articulation, volume, and use of complete sentences and organization.
02. Speak for literary response and expression.	a. Orally share known literature through various presentations and activities.
03. Speak for critical analysis and evaluation.	a. Express opinions and <del>solve</del> <u>solutions to</u> problems.
	b. Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions.

(3-15-02)( )

**675. VIEWING.**

Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. View for information and understanding.	a. <del>Create</del> <u>Demonstrate</u> awareness of different media.
	b. Demonstrate understanding of the main idea <u>of a filmstrip, video, and/or slide presentation</u> using various responses <del>(filmstrip, video, slide)</del> .
02. View media sources for personal response and expression.	a. Develop awareness of various media.
03. View media to engage in critical analysis and evaluation.	a. Differentiate between real and pretend.
	b. Compare <u>and contrast</u> two media that present the same story.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**680. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
<p>01. Read a variety of traditional electronic materials for information and understanding.</p>	<p>a. Use decoding and word recognition strategies to fluently read first-grade materials.</p>
	<p><b>Phonics/Phonemic Awareness</b></p>
	<p>b. Identify words within a sentence.</p>
	<p>c. Distinguish syllables within words.</p>
	<p>d. Recognize two or more rhyming words.</p>
	<p>e. Complete and produce a rhyming word.</p>
	<p>f. Discriminate between two sounds.</p>
	<p>g. Imitate sounds.</p>
	<p>h. Identify isolated initial and final sounds.</p>
	<p>i. Blend phonemes to make a word.</p>
	<p>j. Segment a word into phonemes.                      - Deletion; - Addition; - Substitution; - Transposition.</p>
	<p><b><i>Phonics</i></b></p>
	<p>k. Recognize and use regular letter-sound correspondences and determine regularly spelled one- and two-syllable words, consonants, consonant blends/digraphs, short/long vowels, and letter/sound correspondences.</p>
	<p>l. Use onset and rhymes to create and decode new words that include blends and digraphs.</p>
	<p>m. Use knowledge of common prefixes, suffixes, and root words to determine meanings of unknown words within a passage.</p>
	<p>n. Automatically read 150 high-frequency or sight words.</p>
	<p>o. Apply knowledge of reading strategies.</p>
	<p><b><i>Before Pre-Reading Strategies</i></b></p>
	<p>p. Draw on prior knowledge, <del>and</del> discuss <del>to</del> and generate questions to predict text.</p>
	<p>q. In order to predict text, preview illustrations, title page, and other text pages.</p>
	<p><b><i>During Reading Strategies</i></b></p>
	<p><del>r. Integrate visual, structural, and meaning cues to gain understanding of text.</del></p>
	<p><del>s. Monitor own reading comprehension by self-correcting and rereading as needed to confirm text.</del></p>
	<p><del>t. To guide in meaning, use such conventions of print as punctuation, commas, periods, question marks, and quotation marks.</del></p>
<p><del>u. To gain oral fluency and expression, use proper phrasing and rereading.</del></p>	
<p><del>v. To determine word meanings and phrases, apply knowledge of compound words, contractions, and homophones.</del></p>	
<p><b>Reading Comprehension Strategies</b></p>	
<p><del>w.</del> Identify main idea.</p>	
<p><del>x.</del> Sequence events of a story.</p>	

Standard - The student will:	Content Knowledge and Skills:
	<p><del>t.</del> Read beyond text to make inferences and draw conclusions.</p> <p style="text-align: center;"><b>Context Clues</b></p> <p><u>u.</u> Integrate visual, structural, and meaning cues to gain understanding of text.</p> <p><u>v.</u> Use proper phrasing and rereading to gain oral fluency and expression.</p> <p><u>w.</u> Monitor own reading comprehension by self-correcting and rereading as needed to confirm text.</p> <p><u>x.</u> To guide meaning, use conventions of print as punctuation, commas, periods, question marks, and quotation marks.</p> <p style="text-align: center;"><b>Word Analysis</b></p> <p><u>y.</u> To determine word meanings and phrases, apply knowledge of compound words, contractions, and homophones.</p>
02. Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.	<p>a. Read and evaluate grade-level literature; identify vocabulary, genres, and text features.                      - Identify and compare plots, settings, and characters of two stories;                      - Retell basic plots/main ideas of fiction and nonfiction.</p> <p>b. Identify and compare own experiences and knowledge to that of characters, events, and situations within a story.</p>
03. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<p>a. Distinguish between fiction and nonfiction, real and imaginary, and fact and opinion.</p> <p>b. Sequentially retell story; include details related to setting, plot, and characters.</p> <p>c. To demonstrate critical listening, recall details by responding to questions asking "who," "what," "where," and "when."</p> <p>d. Determine cause and effect relationships by responding to "why," "how," and "what-if," questions.</p>
04. Read to locate information from a variety of traditional, technical, and electronic sources.	<p>a. Locate information using the following informational text and resources:                      - Alphabetical order;                      - Book parts: title page, table of contents, and glossary.</p>
05. Read for technical information.	<p>a. Use organizational features of text.</p> <p>b. Use signs, labels, and instructions to follow hard copies of directions as well as those from technological sources.</p>

(3-15-02)( )

**681. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	<p>a. Fluently write upper and lower case letters using appropriate space and letter size.</p> <p>b. Develop story fluency; write words, and sentences relating to one topic.</p> <p>c. Demonstrate a basic understanding of the writing process:                      - <del>Pre-write</del>; - <u>Brainstorm</u>; - First draft; - <u>Teacher conference</u>; - Revise and edit; - Publish; - Share.</p>

Standard - The student will:	Content Knowledge and Skills:
	d. Write for various audiences: - Self; - Teacher; - Other personally-known audiences.
02. Write and edit for correctness and clarity.	a. Develop and organize sentences that incorporate central idea and supporting details.
	b. Develop descriptive vocabulary to enhance writing.
	c. Apply rules and conventions for the following: - Grammar; - Punctuation; - Capitalization.
	d. Demonstrate appropriate spelling: - Correctly spell words by writing sounds in sequence; - Accurately spell high-frequency words; - Engage in <del>such</del> problem-solving strategies <u>such</u> as analogies, environmental print, and resources.
	e. Frequently reread to clarify, revise, and edit.
03. Write a narrative essay <del>which</del> that aligns with the <del>fourth-grade</del> Direct Writing Assessment.	a. Using personal experiences and knowledge as a source for writing, create a narrative account.

(3-15-02)( )

**682. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Demonstrate effective and appropriate listening skills using the following: - Eye contact; - Taking turns in conversations; - Maintaining attention.
	b. Listen to gain enrichment and information about various cultures.
	c. Participate in retelling and asking questions for clarification.
02. Listen for literary response and expression.	a. Interpret and respond to a variety of oral presentations.
	b. Discuss similarities and differences <del>between and among</del> <u>within</u> a variety of oral presentations.
03. Listen for critical analysis and evaluation.	a. Listen for specific answers in order to respond with appropriate feedback.
04. Listen to and follow directions.	a. Follow three-step oral directions.

(3-15-02)( )

**683. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share understanding of information.	a. Clearly communicate to a range of audiences for various purposes. - Speak in grammatically correct sentences with clarity and detail; - Use vocabulary appropriate for the age group.
02. Speak for literary response and expression.	a. Participate in oral interpretation, memorization, presentation, and dramatic readings to share personal and literary works.
03. Speak for critical analysis and evaluation.	a. Express opinions and <del>solve</del> <u>solutions to</u> problems.
	b. Use causes <del>and</del> effects and similarities <del>and</del> differences to demonstrate a key point.

Standard - The student will:	Content Knowledge and Skills:
	c. Use speaking skills to express opinions in a courteous and attentive manner.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**688. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 2, SECTIONS 689 THROUGH 693.**

**689. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
01. Read a variety of traditional and electronic materials for information and understanding.	a. Use decoding and word recognition strategies to fluently read second-grade materials.
	<b>Phonics/Phonemic Awareness</b>
	b. Identify and name two or more words that rhyme.
	c. Distinguish syllables within words.
	d. Recognize and use the following to decode words: - Beginning, medial and ending sounds; - Consonant blends and digraphs; - Short and long vowels; - R-controlled vowels; - Similarities among word structures such as word families, and syllabication rules.
	e. Use knowledge of common prefixes, suffixes, and root words to determine meanings of unknown words within a passage.
	f. Automatically read a bank of 150-200 high-frequency words.
	<b>Pre-Reading Strategies</b>
	g. Draw on prior knowledge, discussion, and generation of questions to predict text.
	h. Prior to reading text, preview illustrations and <del>such</del> opening pages of text <u>such</u> as the title page, table of contents, and other introductory pages.
	<b>Context Clues</b>
	i. Use context clues to choose correct meanings of identified words within a reading passage.
	j. Monitor own reading comprehension by self-correcting and rereading.
	k. Recognize words that signal transitions to determine sequence as well as contribute to text's meaning.
l. Use the following punctuation cues: commas, periods, question marks, apostrophes, and quotation marks to guide meaning and <del>oral fluently</del> <u>reading aloud fluency</u> .	
<b>Word Analysis Skills</b>	
m. Apply knowledge of compound words, contractions, and homophones to determine <del>word</del> meanings <u>of words</u> and phrases.	



Standard - The student will:	Content Knowledge and Skills:
<b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of the human experience.	<b>a.</b> Read and evaluate grade-level literature and recognize and analyze literary elements, vocabulary, and genres. - Identify and compare plots, setting, and characters of two stories; - Retell basic plots of folktales, legends, fables, and fairy tales.
<b>03.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<b>a.</b> Retell a story and include setting, plot, and characters.
	<b>b.</b> Identify the following story elements within a literary text: - Characters and their traits and motivations <del>which that</del> determine causes for actions; - Setting; - Sequential events of a plot, including a clear beginning, middle, and end; - Problems and solutions.
	<b>c.</b> Recall and recognize relevant details in a passage by responding to <del>questions-asking</del> "who," "what," "where," and "when" <del>questions</del> .
	<b>d.</b> Determine cause and effect relationships by responding to "why," "how," and "what-if" questions.
	<b>e.</b> Draw logical conclusions based on information read.
<b>04.</b> Read to locate information from a variety of traditional, technical, and electronic sources.	<b>f.</b> Distinguish between fiction and nonfiction, real and imaginary, and fact and opinion.
	<b>a.</b> Locate information using dictionaries, encyclopedias, and informational books: - Recognize alphabetical order; - Name and use the following book parts: title page, table of contents, and glossary.

(3-15-02)( )

**690. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
<b>01.</b> Understand and use the writing process.	<b>a.</b> Demonstrate <u>an</u> understanding and application of <u>the</u> writing process <del>steps</del> : Brainstorm; Draft; Teacher conference; Revise; Edit; Publish; Share.
	<b>b.</b> Legibly write in a variety of formats to record, generate, and reflect upon ideas.
	<b>c.</b> Use technology to create a piece for publication.
	<b>d.</b> Identify and use appropriate style for audience and purpose of writing.
	<b>e.</b> Develop a writing vocabulary and skills for using words.
<b>02.</b> Write and edit for correctness and clarity.	<b>a.</b> Apply rules and conventions for the following: Grammar; Punctuation; Capitalization; Spelling.
	<b>b.</b> Develop <del>sentences</del> a paragraph that incorporates a clear and focused main idea; incorporate supportive details and examples that are appropriate to topic, audience, and purpose: - Use appropriate word choices, sentence structure, transitions, and organizational techniques. - Write for personal and practical needs.
<b>03.</b> Write a narrative essay <del>which that</del> aligns with the <del>fourth-grade</del> Direct Writing Assessment.	<b>a.</b> Create a narrative composition that provides an introduction, middle, and end sequence; establish and support a central idea and include simple facts and details.
	<b>b.</b> Write and publish original creative works <del>which that</del> incorporate descriptive language.

(3-15-02)( )

**691. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Listen and respond to a variety of electronic and live presentations.
	b. Listen to gain enrichment and information about various cultures.
	c. Use <del>such</del> responsive listening skills <u>such</u> as retelling and asking questions for elaboration and clarification.
02. Listen for literary response and expression.	a. Listen to and record information from oral presentations.
	b. Note similarities and differences between and among a variety of oral presentations.
03. Listen for critical analysis and evaluation.	a. Listen for answers to specific questions and for specific purposes in response to nonfiction.
	b. Determine rhyming words that have been logically omitted from an orally-presented poem or rhyming book.
04. Listen to and follow directions.	a. <del>Frequently provide opportunities for students to follow</del> <u>Follow verbal one- to four-</u> step oral directions.

(3-15-02)( )

**692. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share understanding of information.	a. Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary as well as effective use of illustrations and pictures.
	b. Use oral communication for various purposes with a developing sense of audience that incorporates appropriate volume, variety of word choices, and physical gestures.
02. Speak for literary response and expression.	a. Use oral interpretation, memorization, presentation, and dramatic readings to share personal or literary works.
03. Speak for critical analysis and evaluation.	a. Express opinions and <del>solve</del> <u>solutions to</u> problems.
	b. Use causes <del>and</del> effects and similarities <del>and</del> differences to demonstrate a key point.
	c. Encourage others' participation while exhibiting courteous, attentive, and appropriate behaviors during discussions.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**697. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 3, SECTIONS 698 THROUGH 702.**

**698. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
<p><b>01.</b> Read a variety of traditional and electronic materials for information and understanding.</p>	<p><b>a.</b> Use decoding strategies to fluently read third-grade materials.</p>
	<p><b>Phonics</b></p>
	<p><b>b.</b> Employ multiple strategies to identify words using spelling patterns and syllabication.</p>
	<p><b>c.</b> Use phonics cues to automatically decode words and cueing strategies to fluently read third grade text.</p>
	<p><b>d.</b> <u>Use knowledge of common prefixes, suffixes, and root words to determine meanings of unknown words within a passage.</u></p>
	<p><b>Context Cues</b></p>
	<p><del>e.</del> Use context cues to determine correct meanings of identified words within a reading passage.</p>
	<p><del>ef.</del> Recognize words that signal transitions to determine sequence and meaning of text.</p>
	<p><del>fg.</del> Recognize relationship between a pronoun and its referent.</p>
	<p><b>Word Analysis Cues Skills</b></p>
	<p><del>gh.</del> Apply knowledge of contractions, synonyms, antonyms, <del>synonyms</del>, homonyms, and multiple meanings to determine meanings of words and phrases.</p>
	<p><del>hi.</del> Use knowledge of root words to determine meanings of unknown words within a passage.</p>
	<p><b>Syntax Cues</b></p>
	<p><del>ij.</del> Use knowledge of written language to anticipate words when reading.</p>
	<p><del>jk.</del> Before, during, and after reading, locate information to clarify text structure and content.</p>
	<p><del>kl.</del> Locate and gather information for a variety of purposes.</p>
	<p><del>lm.</del> Paraphrase and summarize text.</p>
	<p><del>mn.</del> Draw inferences and conclusions from text.</p>
	<p><del>no.</del> Identify language and literary devices:          - Mood; - Tone; - Style; - Figurative language; - Format.</p>
	<p><del>op.</del> Determine main idea within a text and identify relevant details and facts.</p>
<p><b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</p>	<p><b>a.</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fairy tales, poems, and plays.</p>
	<p><b>b.</b> Evaluate new information and relate to known information and ideas.</p>
	<p><b>c.</b> Compare and contrast information about same topic after reading two or more passages or articles.</p>
	<p><b>d.</b> Demonstrate <u>an</u> understanding of <del>the role of how</del> reading <del>to can provide</del> enrichment; <u>and</u> information; <del>and as well as</del> serve as a tool for lifelong learning.</p>
	<p><b>e.</b> Identify cause and effect and statements of fact and opinion.</p>
	<p><b>f.</b> Determine main idea of text and identify relevant and supporting details and facts; arrange in chronological order.</p>

Standard - The student will:	Content Knowledge and Skills:
03. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	a. Identify author's purpose and describe how language, setting, and information support purpose within literary text.
	b. Identify the following story elements within a literary text: - Characters and their traits, <u>and motivations that determine causes for actions</u> ; - Setting; - Sequencing of main events; - Problems and solutions.
	c. <u>Determine cause and effect relationships by responding to "why," "how," and "what-if" questions.</u>
04. Read to locate information from a variety of traditional, technical, and electronic sources.	a. Use appropriate strategies when reading for the following purposes: Comprehension; Locating information; Personal enjoyment.
	b. Generate questions about important and interesting issues.
	c. <u>Based on an investigation</u> , <del>Organize</del> and interpret information to draw a logical conclusion <del>based on an investigation</del> .
05. Read for technical information.	a. Identify and use <del>such</del> traditional sources <u>such</u> as reference books, library materials, experts, and electronically stored sources to locate and acquire information.
	b. Identify <u>uses</u> of graphics, graphs, tables, <del>and</del> diagrams, parentheses, italics, and bold print.
	c. Identify text structure.
	d. Locate and demonstrate understanding <u>of</u> sequence words.

(3-15-02)( )

**699. WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	a. Demonstrate <u>an</u> understanding and application of the writing process: - Brainstorm; - Draft; - Teacher conference; - Revise; - Edit; - Publish; - Share.
	b. Legibly write in a variety of formats to record, generate, and reflect upon ideas.
	c. Identify and use appropriate style and vocabulary for audience and purpose.
02. Write and edit for correctness and clarity.	a. Apply rules and conventions <del>of</del> <u>for</u> the following: - Grammar; - Punctuation; - Capitalization; - Spelling.
	b. Develop a paragraph that incorporates a clear and focused main idea that is supported by details and examples that are appropriate to topic, audience, and purpose. - Use topic sentences, appropriate word choices and sentence structure, transitions, paragraphing, indentation, and organization; - Write for personal and practical needs.
03. Write a narrative essay <del>which that</del> aligns with the <del>fourth-grade</del> Direct Writing Assessment.	a. Create a multiple-paragraph narrative composition that provides an introductory paragraph that establishes and supports a central idea. Include supporting paragraphs with thoughtful transitions, simple facts, details, and explanations. Conclude with a paragraph that summarizes key points. Properly indent.
	b. Write and publish original creative works that incorporate figurative and descriptive language.

(3-15-02)( )

**700. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Listen and respond to a variety of electronic and live presentations.
	b. Listen to gain enrichment and information about various cultures.
	c. Demonstrate effective interpersonal listening skills.
02. Listen for literary response and expression.	a. Listen to and record information from oral presentations.
	b. Note similarities and differences <del>between and among</del> within a variety of oral presentations.
03. Listen for critical analysis and evaluation.	a. Identify the purpose, content, organization, and delivery of verbal communication and non-verbal cues.

(3-15-02)( )

**701. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share understanding of information.	a. Plan and deliver an oral presentation that incorporates appropriate grammar and vocabulary as well as effective use of illustrations, pictures, and charts.
	b. Use oral communication for various purposes and audiences that incorporate a variety of word choices, inflection, volume, phrasing, physical gestures, and eye contact.
02. Speak for literary response and expression.	a. Use oral interpretation, memorization, presentation, and dramatic readings to share personal or literary works.
03. Speak for critical analysis and evaluation.	a. Express opinions and solve problems.
	b. Use causes/effects and similarities/differences to demonstrate a key point.
	c. Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - Listen well and verify understanding; - Avoid monopolizing conversations; - Raise pertinent question; - Exhibit cultural sensitivity.
	d. Demonstrate ability to critique own oral presentation.

(3-15-02)( )

**702. VIEWING.**

Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. View for information and understanding.	a. Identify traditional and non-print media as sources of information.
	b. Determine main concept and supporting details within non-print media.
02. View media sources for personal response and expression.	a. Demonstrate understanding of significant relationships, ideas, and cultures <del>which various media</del> represented by various media.
	b. Compare effectiveness of media presentations.
03. View media to engage in critical analysis and evaluation.	a. Interpret data from charts, graphs, and maps.
	b. Differentiate between fact and opinion.

Standard - The student will:	Content Knowledge and Skills:
04. Use a variety of resources to produce visuals that communicate through print and non-print media.	a. With guidance, explore use of multiple visual tools to produce visuals.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**706. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 4, SECTIONS 707 THROUGH 711.**

**707. READING.**

Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
01. Read a variety of traditional and electronic materials for information and understanding.	a. Use decoding strategies to fluently read fourth-grade materials.
	<b>Phonics</b>
	b. Use spelling patterns, syllabication and other strategies to identify words.
	c. Use phonics cues to automatically and accurately identify and pronounce words.
	<b>Word Analysis</b>
	d. Apply knowledge of derivations, synonyms, antonyms, homonyms, multiple meanings, and idioms to determine meanings of words and phrases.
	e. Use knowledge of root words to determine meanings of unknown words within a passage.
	<b>Context Clues</b>
	f. Use context clues to <del>choose</del> <u>determine</u> correct meanings of identified words within a reading passage.
	g. Recognize relationship between a pronoun and its referent.
	h. Recognize words that signal transitions to determine sequences as well as contribution to text's meaning.
	<b>Sentence Structure</b>
	i. Use knowledge of written language to anticipate words when reading.
	j. Use knowledge of written language to comprehend text.
	k. Before, during, and after reading, locate information to clarify text structure and content.
	l. Identify and begin to use analytic processes for understanding and remembering words, phrases, and information from reading material.
	m. Locate and gather information for a variety of purposes.
	n. Paraphrase and summarize text.
o. Draw inferences and conclusions from text.	
p. Identify language and literary devices: - Mood; - Tone; - Style; - Figurative language; - Format; - Structure;	

Standard - The student will:	Content Knowledge and Skills:
	<p><b>q.</b> Determine main idea or essential message within a text and identify relevant details and facts.</p>
<p><b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</p>	<p><b>a.</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fairy tales, fables, myths, poems, and plays.</p> <p><b>b.</b> Evaluate new information and hypotheses by testing against known information and ideas.</p> <p><b>c.</b> Compare and contrast information about same topic after reading two or more passages or articles.</p> <p><b>d.</b> Demonstrate <u>an</u> understanding of <del>the role of how</del> reading <del>to can provide</del> enrichment, <u>and</u> information, <del>and as well as</del> serve as a tool for lifelong learning.</p> <p><b>e.</b> Distinguish between cause and effect and fact and opinion within expository text.</p> <p><b>f.</b> Determine main idea of text and identify relevant and supporting details and facts; arrange in chronological order.</p>
<p><b>03.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</p>	<p><b>a.</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.</p> <p><b>b.</b> Identify the following story elements within a literary text:                      - Characters and their traits and motivations to determine causes for actions;                      - Setting;                      - Main events of plot;                      - Point of view;                      - Problems and solutions.</p> <p><b>c.</b> Compare and contrast information from multiple sources.</p> <p><b>d.</b> Use personal or objective criteria to do the following:                      - Draw conclusions;                      - Make inferences;                      - <del>Decide</del> <u>Determine</u> meanings;                      - Form opinions;                      - Make judgments.</p> <p><b>e.</b> Distinguish between statements of fact and opinion and identify cause and effect relationships within narrative and expository text.</p>
<p><b>04.</b> Read to locate information from a variety of traditional, technical, and electronic sources.</p>	<p><b>a.</b> Use appropriate strategies when reading for the following purposes:                      - Full comprehension;                      - Locating information;                      - Personal enjoyment.</p> <p><b>b.</b> Generate questions about important and interesting issues; use discussion to narrow research.</p> <p><b>c.</b> Organize and interpret information to draw logical conclusion based on investigation.</p> <p><b>d.</b> Present acquired information in the form of a letter, report, story, and poster.</p>
<p><b>05.</b> Read for technical information.</p>	<p><b>a.</b> Identify and use <del>such</del> traditional sources <u>such</u> as reference books, library materials, experts, and electronically-stored sources to locate and acquire information.</p> <p><b>b.</b> Identify <u>uses</u> of graphics, graphs, tables, diagrams, parentheses, italics, and bold print.</p> <p><b>c.</b> Identify format of various technical and reference texts.</p> <p><b>d.</b> Locate and understand sequence words.</p>

(3-15-02)( )

**708. WRITING.**

Rationale: Students write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	a. Demonstrate <u>an</u> understanding and application of writing process: - Brainstorm; - Draft; - Revise; - Edit; - Publish.
	b. Write <u>legibly</u> in a variety of formats to record, generate, and reflect upon ideas.
	c. Identify and use appropriate style and vocabulary for audience and purpose.
02. Write and edit for correctness and clarity.	a. Apply rules and conventions <del>of</del> <u>for</u> the following: - Grammar; - Punctuation; - Capitalization; - Spelling; - Legibility.
	b. Develop a paragraph that incorporates a clear and focused main idea and is supported by details and examples that are appropriate to topic, audience, and purpose. - Incorporate topic sentences, appropriate word choices and sentence structure, transitions, paragraphing, indentation, and organization. - Write for personal and practical needs; messages, diaries, journals, thank-you notes, friendly letters, and step-by-step directions.
03. Write a narrative essay <del>which that</del> align with the fourth-grade Direct Writing Assessment.	a. Create a multiple-paragraph narrative composition that provides an introductory paragraph and establishes and supports a central idea. Include supporting paragraphs with thoughtful transitions, simple facts, details, and explanations. Conclude with a paragraph that summarizes key points. Properly indent.
	b. Write and publish original creative <del>works</del> that incorporate figurative and descriptive language.

(3-15-02)( )

**709. LISTENING**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Listen and respond to a variety of electronic and live presentations.
	b. Listen to gain enrichment and information about various cultures.
	c. Use <del>such</del> responsive listening skills <u>such</u> as paraphrasing, summarizing, and asking questions for elaboration and clarification.
02. Listen for literary response and expression.	a. Respond in a variety of ways to oral presentations.
	b. Note similarities and differences <del>between and among</del> <u>within</u> a variety of oral presentations.
03. Listen for critical analysis and evaluation.	a. Identify the purpose, content, organization, and delivery of verbal communication and non-verbal cues.

(3-15-02)( )

**710. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share understanding of information.	a. Use oral communication for various purposes and audiences that incorporate a variety of word choices, inflection, volume, phrasing, physical gestures, and eye contact.
	b. Plan and deliver an oral presentation that incorporates appropriate grammar, and vocabulary, as well as effective use of illustrations, pictures, and charts.



Standard - The student will:	Content Knowledge and Skills:
02. Speak for literary response and expression.	a. Use oral interpretation, memorization, presentation, and dramatic readings to share personal or literary works.
	b. Orally read or recite a poem.
03. Speak for critical analysis and evaluation.	a. Express opinions and solutions to problems.
	b. Use causes <del>and</del> effects and similarities <del>and</del> differences to demonstrate a key point.
	c. Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - Listen well and verify understanding; - Avoid monopolizing conversations; - Raise pertinent questions; - Exhibit cultural sensitivity.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**715. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 5, SECTIONS 716 THROUGH 720.**

**716. READING.**

Rationale: Students read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
01. Read a variety of traditional and electronic materials for information and understanding.	a. Use decoding strategies to fluently read fifth-grade materials.
	<b>Phonics</b>
	b. Use spelling patterns, syllabication, and other strategies to identify words.
	c. Use phonics cues to automatically and accurately identify and pronounce words and increase fluency.
	<b>Word Analysis</b>
	d. Apply knowledge of root words, derivations, affixes, synonyms, antonyms, homonyms, multiple meanings, and idioms to determine meanings of words and phrases.
	<b>Context Clues</b>
	e. Use context clues to <del>choose</del> determine correct meanings of identified words within a reading passage.
	f. Recognize <del>words that signal transitions to determine sequence as well as contribute to text's meaning</del> relationship between a pronoun and its referent.
	<b>Sentence Structure</b>
	g. Use knowledge of written language to anticipate words when reading.
	h. Use knowledge of written language to comprehend text.
	i. Before, during, and after reading, locate information to clarify text structure and content. Use the following text elements to predict and categorize information: table of contents, index, headings, captions, illustrations, and graphics.
j. Use analytic processes for understanding and remembering vocabulary, phrases, and information from reading material.	

Standard - The student will:	Content Knowledge and Skills:
	<p><b>k.</b> Locate, gather, and synthesize information for a variety of purposes.</p> <p><b>l.</b> Paraphrase and summarize text.</p> <p><b>m.</b> Draw inferences and conclusions from text.</p> <p><b>n.</b> Identify language and literary devices:                      - Mood; - Tone; - Style; - Figurative language; - Format; - Structure.</p> <p><b>o.</b> Determine main idea or essential message within a text and identify relevant details and facts.</p>
<p><b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</p>	<p><b>a.</b> Identify defining characteristics of the following literary forms and genres: fiction, nonfiction, fantasy, legend, and historical fiction.</p> <p><b>b.</b> Activate and draw upon prior experiences to connect to reading selections.</p> <p><b>c.</b> Compare and contrast information about same topic after reading two or more passages or articles.</p> <p><b>d.</b> Demonstrate <u>an</u> understanding of <u>how</u> reading's <del>role to</del> <u>can provide</u> enrichment, <u>and</u> information, <del>and as well as</del> serve as a tool for lifelong learning.</p>
<p><b>03.</b> Read a variety of traditional, technical, and electronic materials, for critical analysis and evaluation.</p>	<p><b>a.</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.</p> <p><b>b.</b> Explain literary text according to the following elements:                      - Characters and their traits and motivations to determine causes for actions; - Setting; - Main events of plot and relevant causes and effects; - Point of view; - Plot structure; - Theme; - Conflict and resolution.</p> <p><b>c.</b> Compare and contrast information from multiple sources.</p> <p><b>d.</b> Use personal or objective criteria to do the following:                      - Draw conclusions; - Make inferences; - <del>Decide</del> <u>Determine</u> meanings; - Form opinions; - Make judgments.</p> <p><b>e.</b> Distinguish between statements of fact and opinion and identify cause and effect relationships within narrative and expository text.</p>
<p><b>04.</b> Read to locate information from a variety of traditional, technical, and electronic sources.</p>	<p><b>a.</b> Use appropriate strategies when reading for the following purposes:                      - Full comprehension; - Locating information; - Personal enjoyment.</p> <p><b>b.</b> Generate questions about important and interesting issues to narrow topic(s) for research.</p> <p><b>c.</b> Organize and interpret information to draw logical conclusions based on investigation.</p> <p><b>d.</b> Combine acquired information for presentation.</p>
<p><b>05.</b> Read for technical information.</p>	<p><b>a.</b> Identify and use <del>such</del> traditional sources <u>such</u> as reference books, library materials, experts, and electronically-stored sources to locate and acquire information.</p> <p><b>b.</b> <del>Identify</del> <u>Explain</u> uses of graphics, graphs, tables, <del>and</del> diagrams, parentheses, italics, and bold print.</p> <p><b>c.</b> Describe format of various technical and reference texts.</p> <p><b>d.</b> Read, understand, and apply technical information.</p>

(3-15-02)( )

**717. WRITING.**

Rationale: Students write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	a. Understand and apply steps of the writing process: - Brainstorm; - Draft; - Revise; - Edit/proofread; - Publish.
	b. Write <u>legibly</u> in a variety of formats to record, generate, and reflect upon ideas.
	c. Identify and use appropriate style and vocabulary for audience and purpose.
02. Write and edit for correctness and clarity.	a. Apply rules and conventions <del>of</del> <u>for</u> the following: - Grammar; - Punctuation; - Capitalization; - Spelling; - Legibility.
	b. With support, incorporate a variety of elements of writing: - Alliteration; - Figurative language; - Personification; - Vocabulary.
	c. Develop a paragraph: - Incorporate a clear and focused main idea; - Support main ideas with details and examples that are appropriate to topic, audience, and purpose; - Use topic sentences, appropriate word choices, sentence structure, transitions, indentation, and organization.
03. Write a narrative essay that aligns with the <del>fourth-grade</del> Direct Writing Assessment.	a. Create a multiple-paragraph narrative composition that includes the following: - An introductory paragraph to establish and support a central idea; - Supporting paragraphs with thoughtful transitions, simple facts, details, and explanations; - A concluding paragraph that summarizes key points; - Proper indentation.
	b. Write and publish original creative <del>works</del> <u>works</u> that incorporate figurative and descriptive language.

(3-15-02)( )

**718. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Listen and respond to a variety of electronic and live presentations.
	b. Listen to gain enrichment and information about <del>a variety of</del> <u>various</u> cultures.
	c. Use <del>such</del> responsive listening skills <u>such</u> as paraphrasing, summarizing, and asking questions for elaboration and clarification.
02. Listen for literary response and expression.	a. Respond in a variety of ways to oral presentations.
	b. Identify similarities and differences <del>between and among</del> <u>within</u> a variety of oral presentations.
03. <u>Listen for critical analysis and evaluation.</u>	a. <u>Make informed decisions about the purpose, content, organization, and delivery of verbal communications and non-verbal cues.</u>

(3-15-02)( )

**719. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analyses or critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share understanding of information.	a. Use oral communication for various purposes and audiences that incorporate <del>the following</del> : - <del>A</del> <u>V</u> ariety of word choices; - Inflection; - Volume; - Phrasing; - Physical gestures; - Eye contact.

Standard - The student will:	Content Knowledge and Skills:
	b. Plan and deliver an oral presentation that incorporates the following: - Appropriate grammar; - Vocabulary; - Illustrations, pictures, and charts.
02. Speak for literary response and expression.	a. Use oral interpretation, presentation, and dramatic readings to share personal and or literary works. b. <del>Read</del> Orally read or recite poem.
03. Speak for critical analysis and evaluation.	a. Express opinions and solutions to problems. b. Uses causes <del>and</del> effects and similarities <del>and</del> differences to demonstrate a key point. c. Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - Listen carefully and verify understanding; - Avoid monopolizing conversations; - Raise pertinent questions; - Exhibit cultural sensitivity.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**724. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 6, SECTIONS 725 THROUGH 729.**

**725. READING.**

Rationale: Students read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
01. Read a variety of traditional and electronic materials for information and understanding.	a. Use decoding strategies and other visual information to <u>fluently read and</u> construct <del>sense of meaning from</del> grade-level text: - Graphophonic sources (letter/sound); - Semantic sources (meaning/associations); - Lexical sources (word <del>analyses</del> knowledge); - Syntactic sources (structure of written language); - Text elements (graphic elements, illustrations, and titles/subtitles).
	b. Search purposefully for particular information: - Identify literal and inferential meanings; - Search own background information to make meaning of text passages; - Based on purpose for reading, search for most important information; - In order to understand plot development in narratives, search for information about characters and setting; - In order to understand text, search for <del>such</del> expository text structures <u>such</u> as cause/effect, chronological <u>order</u> , problem/solution, <u>and</u> classification.
	c. On basis of prior knowledge and information in text, predict alternatives or probabilities in text: - Synthesize information from text to anticipate outcomes. - Use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.
	d. <del>Reconsider</del> Monitor and adjust a response <del>against</del> <u>based upon</u> more than one source of information from grade-level text.
	e. Confirm or self-correct predictions in response to grade level text.
	f. Draw inferences and conclusions from text.
	g. Identify literary devices: - Mood; - Tone; - Style; - Figurative language.

Standard - The student will:	Content Knowledge and Skills:
	<p><b>h.</b> Determine main idea or essential message within a text and identify relevant details and facts.</p>
<p><b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</p>	<p><b>a.</b> Describe characteristics of the following genres: fiction, nonfiction, poetry, biography/autobiography, legend, fable, and myth.</p> <p><b>b.</b> Activate and draw upon <del>own</del> <u>prior</u> experiences to connect to reading selections.</p> <p><b>c.</b> Relate social, cultural, and historical aspects of literature to reader's personal experience.</p> <p><b>d.</b> Analyze narrative literature according to the following text elements:                      - Character; - Setting; - Plot structure; - Theme; - Point of view.</p> <p><b>e.</b> Demonstrate an understanding of how reading can provide enrichment and information as well as serve as a tool for lifelong learning.</p>
<p><b>03.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</p>	<p><b>a.</b> Identify author's purpose and describe how language, setting, and information support purpose within literary text.</p> <p><b>b.</b> Analyze literary text for following story elements:                      - Characters; - Setting; - Point of view; - Plot structure; - Theme; - <u>Conflict</u>; - <u>Resolution</u>.</p> <p><b>c.</b> Compare and contrast information from multiple sources.</p> <p><b>d.</b> Use personal or objective criteria to do the following:                      - Draw conclusions; - Make inferences; - Determine meanings; - Form opinions; - Make judgments.</p> <p><b>e.</b> Distinguish between fact and opinion and identify cause and effect relationships within expository text.</p>
<p><b>04.</b> Read to locate information from a variety of traditional, technical, and electronic sources.</p>	<p><b>a.</b> Use questions to guide reading:                      - Identify type of information required to answer a specific question;                      - Use reasonable resources for answering questions;                      - Read for purpose of answering specific questions.</p> <p><b>b.</b> Systematically organize new information from expository text.</p> <p><b>c.</b> Synthesize what has been read:                      - Identify main idea and supporting details; - Identify important information, patterns, and themes; - Connect new information with prior knowledge to enhance understanding and memory; - Ask new questions; - Use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.</p>
<p><b>05.</b> Read for technical information.</p>	<p><b>a.</b> Read, understand, and apply technical information.</p> <p><b>b.</b> Identify and use comprehension strategies to understand technical text.</p> <p><b>c.</b> Apply knowledge of the following elements to understand text:                      - Graphics; - Highlighting techniques; - Organizers.</p> <p><b>d.</b> Identify organization of technical texts.</p> <p><b>e.</b> Apply technical information to complete tasks.</p>

(3-15-02)( )

**726. WRITING.**

Rationale: Students write to demonstrate skills and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	<p>a. Understand and <del>use</del> <u>apply</u> steps of the writing process:                      - Brainstorm; - Draft; - Revise; - Edit/<u>proofread</u>; - Publish.</p> <p>b. Write in a variety of formats to record, generate, and reflect upon ideas.</p> <p>c. Identify and use appropriate style and vocabulary for a particular audience.</p>
02. Write and edit for correctness and clarity.	<p>a. Determine and apply rules and conventions for the following:                      - Grammar; - Punctuation; - Capitalization; - Spelling; - Legibility.</p> <p>b. Incorporate a variety of elements of writing:                      - Alliteration; - Figurative language; - Simile; - Metaphor; - Personification;                      - Vocabulary.</p> <p>c. Convey clear and focused main ideas that are appropriately supported by details and examples for selected topic, audience, and purpose.                      - Use topic sentences, appropriate word choices, variety of sentence structures, transitions, paragraphing, indentation, organization, and documentation of sources; - Choose tone, voice, style, mood, and persona that are appropriate for various purposes, disciplines, and audiences.</p>
03. Write to inform and explain.	<p>a. Use facts, data, and processes from technical and non-technical materials to inform through writing.</p> <p>b. Produce documents in appropriate format to inform and explain.</p> <p>c. <u>Create a multiple paragraph expository essay that includes the following:</u>                      - <u>Introductory paragraph containing a thesis statement;</u> - <u>Three or more body paragraphs that include topic sentences and supporting details;</u>                      - <u>Conclusion that restates the thesis.</u></p>
04. Write for literary response and expression.	<p>a. Compose a response using ideas and techniques from a variety of literature and fine arts that represent many cultures and perspectives.</p> <p>b. Appropriately use a thesis <u>statement</u> and supporting evidence.</p> <p>c. Write and publish original creative works that include figurative and descriptive language.</p>
05. Write to critically analyze and evaluate.	<p>a. Analyze for the following elements:                      - Purpose; - Ideas; - Style; - Structure; - Effectiveness.</p> <p>b. Use a thesis/main idea <del>and</del> <u>with</u> appropriate supporting evidence to persuade and inform a specific audience.</p> <p>c. Use writing to persuade.</p>
06. Write to gather, synthesize, and communicate research findings.	<p>a. With teacher support, incorporate a variety of technological and informational resources to do the following:                      - Appropriately paraphrase, quote, and cite to avoid plagiarism;                      - Formulate thesis or focus and relevant support;                      - Formulate and support main idea with evidence.</p> <p>b. Present research findings.</p>
07. Write technical information.	<p>a. Produce <u>a</u> technical document.</p>

(3-15-02)( )

**727. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Acquire and summarize information from a variety of electronic or live sources.
	b. Develop listening skills to gain enrichment and information about various cultures.
	c. Develop <del>use of</del> effective interpersonal listening skills.
02. Listen for literary response and expression.	a. Respond in a variety of ways to oral presentations.
	b. Locate similarities and differences within a variety of oral presentations.
03. Listen for critical analysis and evaluation.	a. Make informed decisions about the purpose, content, organization, and delivery of <del>verbal and auditory</del> communications and non-verbal cues.
	b. Listen for sequencing.

(3-15-02)( )

**728. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analyses or critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share an understanding of information.	a. Use age-appropriate oral communication for various purposes and audiences that appropriately incorporates <del>the following</del> : - A variety of <del>W</del> word choices; - Pronunciation; - Inflection/modulation; - Physical gestures; - Eye contact; - Posture.
	b. Plan and deliver oral presentations that <del>effectively</del> incorporate the following: - Transitions; - Organization; - Support of main ideas; - Examples; - Response to questions and feedback; - Visual aids and appropriate technology.
02. Speak for literary response and expression.	a. Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings.
	b. Memorize and present a selected poem.
03. Speak for critical analysis and evaluation.	a. Clearly express opinions and judgments.
	b. <del>During discussions, e</del> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior <del>during discussions</del> .

(3-15-02)( )

**729. VIEWING.**

Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. View for information and understanding.	a. Use traditional and visually-presented materials (books, films, videos, Internet).
	b. Use viewing skills to determine main idea and collect data.
02. View media sources for personal response and expression.	a. Identify relationships, ideas, and cultures represented in various media.
03. View media to engage in critical analysis and evaluation.	a. Evaluate relationships, ideas, and cultures represented in various media.
	b. Critique, interpret, and evaluate non-print media.

Standard - The student will:	Content Knowledge and Skills:
	c. Apply knowledge <del>gleaned</del> <u>learned</u> from charts and graphs.
04. Use a variety of resources to produce visuals that communicate through print and non-print media.	a. Demonstrate understanding of graphics, pictures, color, motion, and music.
	b. With support, apply technical skills to produce effective visuals.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**733. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 7, SECTIONS 734 THROUGH 738.**

**734. READING.**

Rationale: Students read a variety of grade-level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
01. Read a variety of traditional and electronic materials for information and understanding.	a. Use decoding strategies and other visual information to fluently read <u>read</u> <u>construct meaning from</u> grade-level text: - Graphophonic sources (letter/sound); - Semantic sources (meaning/associations); - Lexical sources (word <del>knowledge</del> <u>analyses</u> ); - Syntactic sources (structure of written language); - Text elements (graphic elements, illustrations, and titles/subtitles).
	b. Search purposefully for particular information: - Identify literal and inferential meanings; - Search own background information to make meaning of text passages; - Based on purpose for reading, search for most important information; - In order to understand plot development in narratives, search for information about characters and setting; - In order to understand text, search for <del>such</del> expository text structures <u>such</u> as cause/effect, chronological <u>order</u> , problem/solution, and classification.
	c. On basis of prior knowledge and information in text, predict alternatives or probabilities in text: - Synthesize information from the text to anticipate outcomes; - Use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.
	d. <del>Reconsider</del> <u>Monitor and adjust</u> a response <del>against</del> <u>based upon</u> more than one source of information from grade-level text.
	e. Confirm or self-correct predictions in response to grade-level text.
	f. Draw inferences and conclusions from grade-level text.
	g. Identify literary devices: - Mood; - Tone; - Style; - Figurative language.
	h. Determine main idea or essential message within a text and identify relevant details and facts.
02. Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.	a. Describe characteristics of the following genres: fiction, nonfiction, poetry, biography/autobiography, legend, fable, myth, and reference materials.
	b. Activate and draw upon <del>own</del> <u>prior</u> experiences to connect to reading selections.
	c. Relate social, cultural, and historical aspects of literature to reader's personal experience.



Standard - The student will:	Content Knowledge and Skills:
	<p>d. Analyze narrative literature according to the following text elements:                      - Character; - Setting; - Conflict; - Plot structure; - Theme; - Point of view.</p> <p>e. Demonstrate <u>an</u> understanding of how reading can provide enrichment; <u>and</u> information; <del>and as well as</del> serve as a tool for lifelong learning.</p>
03. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.	<p>a. Identify author's purpose and describe how language, setting, and information support purpose within literary text.</p> <p>b. Analyze literary text for <u>the following</u> story elements:                      - Characters; - Setting; - <u>Point of view</u>; - Plot structure; - Theme; - Conflict; - Resolution.</p> <p>c. Compare and contrast information from multiple sources.</p> <p>d. Use personal or objective criteria to do the following:                      - Draw conclusions; - Make inferences; - Determine meanings; - Form opinions; - Make judgments.</p> <p>e. Distinguish between fact and opinion and identify cause and effect relationships within expository text.</p>
04. Read to locate information from a variety of traditional, technical, and electronic sources.	<p>a. Use questions to guide reading:                      - Identify type of information required to answer a specific question;                      - Use reasonable resources for answering questions;                      - Read for purpose of answering specific questions.</p> <p>b. Systematically organize new information from an expository text.</p> <p>c. Synthesize what has been read:                      - Identify main idea and supporting details; - Identify important information, patterns, and themes; - Connect new information with prior knowledge to enhance understanding and memory; - Ask new questions; - Use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.</p>
05. Read for technical information.	<p>a. Read, understand, and apply technical information.</p> <p>b. Identify and use comprehension strategies to understand technical text.</p> <p>c. Apply knowledge of <del>graphic</del> <u>the following</u> elements to understand text:                      - Graphics; - Highlighting techniques; - Organizers.</p> <p>d. Identify organization of technical texts.</p> <p>e. Apply technical information to complete tasks.</p>

(3-15-02)( )

**735. WRITING.**

Rationale: Students write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	<p>a. Understand and <del>use</del> <u>apply</u> steps of <u>the</u> writing process:                      - Brainstorm; - Draft; - Revise; - Edit/<u>proofread</u>; - Publish.</p> <p>b. Write in a variety of formats to record, generate, and reflect upon ideas.</p> <p>c. Identify and use appropriate style and vocabulary for particular audience.</p>
02. Write and edit for correctness and clarity.	<p>a. Determine and apply rules and conventions for the following:                      - Eight parts of speech, dependent and independent clauses, and common phrases to include prepositional participle and appositives; - Punctuation; - Capitalization; - Spelling; - Legibility.</p>

Standard - The student will:	Content Knowledge and Skills:
	<p><b>b.</b> Incorporate a variety of elements of writing:                      - Alliteration; - Figurative language; - Hyperbole; - Metaphor;                      - Personification; - Vocabulary.</p> <p><b>c.</b> Convey clear and focused main ideas that are appropriately supported by details and examples for selected topic, audience, and purpose.                      - Use topic sentences, appropriate word choices, variety of sentence structures, parallelism, transitions, paragraphing, indentation, organization, and documentation of sources; - Choose tone, voice, style, mood, and persona appropriate for various purposes, disciplines, and audiences.</p>
<b>03.</b> Write to inform and explain.	<p><b>a.</b> Use facts, data, and processes from technical and non-technical materials to inform through writing.</p> <p><b>b.</b> Produce documents in appropriate format to inform and explain.</p> <p><b>c.</b> <u>Create a multiple paragraph expository essay that includes the following:</u>                      - <u>Introductory paragraph containing a thesis statement;</u>                      - <u>Three or more body paragraphs which include topic sentences and supporting details;</u>                      - <u>Conclusion which restates the thesis.</u></p>
<b>04.</b> Write for literary response and expression.	<p><b>a.</b> Compose a response using ideas and techniques from a variety of literature and fine arts that represent many cultures and perspectives.</p> <p><b>b.</b> Appropriately use a thesis statement and supporting evidence.</p> <p><b>c.</b> Write and publish original creative works that include figurative and descriptive language.</p>
<b>05.</b> Write to critically analyze and evaluate.	<p><b>a.</b> Analyze for the following elements:                      - Purpose; - Ideas; - Style; - Structure; - Effectiveness.</p> <p><b>b.</b> Use a thesis <del>and</del> with appropriate supporting evidence to persuade and inform a specific audience.</p> <p><b>c.</b> Use writing to persuade.</p>
<b>06.</b> Write to gather, synthesize, and communicate research findings.	<p><b>a.</b> With teacher support, incorporate a variety of informational and technological resources to perform the following:                      - Appropriately paraphrase, quote, and cite to avoid plagiarism; - Consider motives, credibility, and perspectives of authors when selecting resource materials; - Formulate thesis or focus and provide relevant support.</p> <p><b>b.</b> Present research findings.</p>
<b>07.</b> Write technical information.	<p><b>a.</b> Locate specifically-named sources.</p> <p><b>b.</b> Produce a technical document.</p>

(3-15-02)( )

**736. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
<b>01.</b> Listen for information and understanding.	<p><b>a.</b> Acquire and summarize information from a variety of electronic or live sources.</p> <p><b>b.</b> Develop listening skills to gain enrichment and information about various cultures.</p> <p><b>c.</b> Develop use of effective interpersonal listening skills.</p>
<b>02.</b> Listen for literary response and expression.	<p><b>a.</b> Respond to a variety of oral presentations.</p> <p><b>b.</b> Locate similarities and differences within a variety of oral presentations.</p>

Standard - The student will:	Content Knowledge and Skills:
03. Listen for critical analysis and evaluation.	a. Make informed decisions about the purpose, content, organization, and delivery of verbal <del>and auditory</del> communication and nonverbal cues.
	b. Listen for sequencing.

(3-15-02)( )

**737. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share an understanding of information.	a. Use age-appropriate oral communication for various purposes and audiences <del>which that</del> appropriately incorporates <del>the following</del> . - A variety of <del>W</del> word choices; - Pronunciation; - Inflection/modulation; - Physical gestures; - Eye contact; - Posture.
	b. Plan and deliver oral presentations that <del>include</del> incorporate the following: - Transitions; - Organization; - Support of main ideas; - Examples; - Response to questions and feedback; - Visual aids and appropriate technology.
02. Speak for literary response and expression.	a. Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings.
	b. Memorize and present a selected poem.
03. Speak for critical analysis and evaluation.	a. Clearly express opinions and judgments.
	b. <del>During discussions,</del> Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior <del>during discussions</del> . - Listen well and verify understanding; - Avoid monopolizing conversations; - Raise pertinent questions; - Exhibit cultural sensitivity.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**742. LANGUAGE ARTS/COMMUNICATIONS STANDARDS - GRADE 8, SECTIONS 743 THROUGH 747.**

**743. READING.**

Rationale: Students read a variety of grade level materials and apply strategies appropriate to various situations.

Standard - The student will:	Content Knowledge and Skills:
01. Read a variety of traditional and electronic materials for information and understanding.	a. Use decoding strategies and other visual information to fluently read <u>and construct meaning from</u> grade-level text. - Graphophonic sources (letter/sound); - Semantic sources (meaning/association); - Lexical sources (word <del>knowledge</del> analyses); - Syntactic sources (structure of written language); - Text elements (graphic elements, illustrations, titles/subtitles).

Standard - The student will:	Content Knowledge and Skills:
	<p><b>b.</b> Search purposefully for particular information:                      - Identify literal and inferential meanings;                      - Search own background information to make meaning of text passages;                      - Search for most important information based on purpose for reading;                      - Search for information about characters and setting to understand plot;                      - Development in narratives;                      - Search for expository text structures such as cause/effect, chronological order, problem/solution, and classification to understand text.</p> <p><b>c.</b> <del>Predict alternatives or probabilities in text</del> On basis of prior knowledge <del>and of text information within text.</del>                      - <del>Predict alternatives or probabilities in text;</del> - Synthesize information from text to anticipate outcomes; - Use connections between text-to-text, text-to-self, and text-to-world to anticipate new text.</p> <p><b>d.</b> <del>Reconsider</del> Monitor and adjust a response <del>against</del> based upon more than one source of information of grade-level text.</p> <p><b>e.</b> Confirm or self-correct predictions in response to grade-level text.</p> <p><b>f.</b> Identify literary devices:                      - Mood; - Tone; - Style; - Figurative language.</p>
<p><b>02.</b> Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</p>	<p><b>a.</b> Define characteristics of the following literary forms and genres: fiction and nonfiction, including novel, short story, poetry, biography, plays, essays, and reference material.</p> <p><b>b.</b> Activate and draw upon <del>own</del> prior experiences to connect to reading selections.</p> <p><b>c.</b> Identify social, cultural, and historical significance of various types of text.</p> <p><b>d.</b> Identify how an author uses language and literary devices to evoke a response in a reader:                      - Style; - Format; - Structure; - Point of view.</p> <p><b>e.</b> <del>Explain</del> Demonstrate an understanding of how reading can provide enrichment and information as well as serve as a tool for lifelong learning.</p>
<p><b>03.</b> Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</p>	<p><b>a.</b> Identify author's purpose and describe how language, setting, and information support that purpose in literary text.</p> <p><b>b.</b> Analyze literary text for the following <u>story</u> elements.                      - Characters; - Setting; - <u>Point of view</u>; - Plot structure; - Theme; - Conflict; - Resolution; - Symbolism.</p> <p><b>c.</b> Compare and contrast information from multiple sources.</p> <p><b>d.</b> Use personal or objective criteria to do the following:                      - Draw conclusions; - Make inferences; - Determine meanings;                      - Form opinions; - Make judgments.</p> <p><b>e.</b> Distinguish between fact and opinion and identify cause and effect relationships within expository text.</p>
<p><b>04.</b> Read to locate information from a variety of traditional, technical, and electronic sources.</p>	<p><b>a.</b> Use questions to guide reading:                      - Identify type of information required to answer a specific question;                      - Independently select resources for answering questions;                      - Read for purpose of answering specific questions.</p> <p><b>b.</b> Use knowledge of common patterns of factual texts to enhance comprehension:                      - Description; - Main idea/supporting details; - Comparison/contrast;                      - Chronological order; - Cause/effect; - Process.</p>

Standard - The student will:	Content Knowledge and Skills:
	<p>c. Synthesize what has been read:                      - Identify main idea and supporting details; - Identify important information, patterns, and themes; - Connect new information with prior knowledge to enhance understanding and memory; - Ask new questions; - Use prior knowledge and text information to draw conclusions, make critical judgments, and form unique interpretations from text.</p>
05. Read for technical information.	a. Identify and use comprehension strategies to understand technical text.
	b. <del>Explain</del> Apply uses of graphics, layout, white space, italics, parentheses, and other visual aids.
	c. Identify organization of technical texts.
	d. Use technical information to complete tasks.

(3-15-02)( )

744. **WRITING.**

Rationale: Write to demonstrate skill and conventions according to purpose and audience.

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	a. Understand and <del>use</del> apply steps of the writing process: - Brainstorm; - Draft; - Revise; - Edit/ <del>proofread</del> ; - Publish.
	b. Write legibly in a variety of formats to specifically record, generate, and reflect upon ideas.
	c. Identify and use appropriate style and vocabulary for a particular audience, voice, and purpose.
02. Write and edit for correctness and clarity.	a. Determine and apply rules and conventions for the following: - Eight parts of speech, dependent and independent clauses, and common phrases to include prepositional participle, infinitives, gerunds, and appositives; - Punctuation; - Capitalization; - Spelling; - Legibility.
	b. Incorporate a variety of elements of writing: - Alliteration; - Figurative language; - Hyperbole; - Metaphor; - Personification; - Vocabulary; - Idiom.
	c. Convey clear and focused main ideas, supported by details and examples that are appropriate to topic, audience, and purpose. - Use topic sentences, appropriate word choice, a variety of sentence structures, parallelism, transitions, paragraphing, indentation, organization, and documentation of sources; - Choose tone, voice, style, mood, and persona appropriate for various purposes, disciplines, and audiences.
03. Write an expository essay that aligns with the eighth-grade writing assessment to inform and explain.	a. Use facts, data, and processes from technical and non-technical materials to inform through writing.
	b. Produce documents in appropriate format to inform and explain.
	c. <u>Demonstrate an understanding of the four types of the two-step expository essays and draft samples of each:</u> - Problem/Solution; - Compare/Contrast; - Cause/Effect; - Before/After.
04. Write for literary response and expression.	a. Compose a response using ideas and techniques from a variety of literature and fine arts that represent many cultures and perspectives.
	b. Appropriately use a thesis <u>statement</u> and supporting evidence.
	c. Write and publish original creative works that include figurative and descriptive language.

Standard - The student will:	Content Knowledge and Skills:
05. Write to critically analyze and evaluate within the confines of <del>eighth-grade-level</del> science and social studies curriculum <del>and</del> .	a. Analyze for the following: - Purpose; - Ideas; - Style; - Structure; - Effectiveness.
	b. Use thesis <del>and</del> with appropriate supporting evidence to persuade or inform a specific audience.
	c. Use writing to persuade.
06. Write to gather, synthesize, and communicate research findings.	a. With teacher support, incorporate a variety of informational and technological resources to perform the following: - Avoid plagiarism through proper use of paraphrasing, quoting, and citing; - When selecting source materials, consider motives credibility, and perspectives of authors; - Formulate thesis or focus and provide relevant support.
	b. Present research findings.
07. Write technical information.	a. Locate sources.
	b. Produce technical documents.

(3-15-02)( )

**745. LISTENING.**

Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. Listen for information and understanding.	a. Acquire and summarize information from a variety of electronic or live sources.
	b. Develop listening skills to gain enrichment and information about various cultures.
	c. Develop effective interpersonal listening skills.
02. Listen for literary response and expression.	a. Respond to a variety of oral presentations.
	b. <del>Find</del> <u>Locate</u> similarities and differences within a variety of oral presentations.
03. Listen for critical analysis and evaluation.	a. Make informed decisions about the purpose, content, organization, and delivery of verbal communications and non-verbal cues.
	b. Listen for sequencing.

(3-15-02)( )

**746. SPEAKING.**

Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written and viewed material.

Standard - The student will:	Content Knowledge and Skills:
01. Speak to share an understanding of information.	a. Use age-appropriate oral communication for various purposes and audiences that correctly and effectively incorporates <del>the following</del> . - A variety of <del>W</del> word choices; - Pronunciation; - Inflection/modulation; - Physical gestures; - Eye contact; - Posture.
	b. Plan and deliver oral presentations that incorporate the following: - Effective transitions; - Logical organization; - Support for main ideas; - Appropriate examples; - Responses to questions and feedback; - Visual aids and appropriate technology; - Proper English.
02. Speak for literary response and expression.	a. Share interpretations of personal and literary works through oral interpretation and dramatic readings.

Standard - The student will:	Content Knowledge and Skills:
	b. Memorize and present a selected poem.
03. Speak for critical analysis and evaluation.	a. Clearly express opinions and judgments.
	b. Defend opinion.
	c. Encourage others' participation while exhibiting courteous, attentive, and appropriate behavior during discussions: - Listen well and verify understanding; - Avoid monopolizing conversations; - Raise pertinent questions; - Exhibit cultural sensitivity.

(3-15-02)( )

**747. VIEWING.**

Rationale: Use skills of viewing to effectively understand and comprehend visually-presented material and use visual elements to produce visual presentations.

Standard - The student will:	Content Knowledge and Skills:
01. View for information and understanding.	a. Identify a variety of visually-presented materials; (books, films, videos, Internet).
	b. Use viewing skills to determine main idea and collect data.
02. View media sources for personal response and expression.	a. Identify relationships, ideas, and cultures represented within various media.
	<del>b. Evaluate relationships, ideas, and cultures represented within various media.</del>
03. View media to engage in critical analysis and evaluation.	a. Critique, interpret, and evaluate non-print media.
	b. <del>Use</del> Apply knowledge learned from charts and graphs.
	c. <del>Evaluate relationships, ideas, and cultures represented within various media.</del>
04. Use a variety of resources to produce visuals that communicate through print and non-print media.	a. <del>Understand</del> Demonstrate understanding of the multiple tools of graphics, pictures, color, motion, and music.
	b. Apply knowledge and technical skills to produce effective visuals.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**753. WRITING.**

Standard - The student will:	Content Knowledge and Skills:
01. Understand and use the writing process.	a. Demonstrate steps of the writing process: - Brainstorm; - Draft; - Revise; - Edit/ <u>proofread</u> ; - Publish.
	b. Write in order to generate, record, and reflect upon ideas.
	c. Evaluate and choose appropriate style and vocabulary for particular audience.
02. Write and edit for correctness and clarity.	a. Apply rules and conventions of the following: - Grammar; - Punctuation; - Capitalization; - Spelling.

Standard - The student will:	Content Knowledge and Skills:
	<p><b>b.</b> Formulate purpose, thesis, relevant support, and focused paragraphs:                      - Use topic sentences, appropriate word choices and sentence structure, parallelism, transitions, paragraphing, indentation, organization, and documentation of sources; - Choose tone, voice, style, mood, and persona appropriate for different purposes, disciplines, and audiences.</p>
<p><b>03.</b> Write to inform and explain.</p>	<p><b>a.</b> Incorporate facts, data, and processes from technical and non-technical materials into writing.</p>
	<p><b>b.</b> Choose appropriate format to inform and explain.</p>
<p><b>04.</b> Write for literary response and expression.</p>	<p><b>a.</b> Compare, contrast, and synthesize ideas and techniques from a variety of literatures and Fine Arts that represent many cultures and perspectives.</p>
	<p><b>b.</b> Formulate a thesis and supporting evidence as appropriate.</p>
	<p><b>c.</b> Write and publish original creative works using figurative and descriptive language.</p>
<p><b>05.</b> Write to critically analyze and evaluate.</p>	<p><b>a.</b> Analyze and evaluate for the following:                      - Purpose; - Ideas; - Style; - Structure; - Effectiveness.</p>
	<p><b>b.</b> Formulate thesis and select appropriate supporting evidence to persuade or inform a specific audience.</p>
	<p><b>c.</b> Present an effective argument using the principles of persuasion (appeals to authority, logic, or emotion).</p>
<p><b>06.</b> Write to gather, synthesize, and communicate research findings.</p>	<p><b>a.</b> Use and document a variety of technological and informational resources:                      - Avoid plagiarism through proper use of paraphrasing, quoting, and citation;                      - Consider motives, credibility, and perspectives of authors when selecting source materials; - Formulate thesis or focus and relevant support.</p>
	<p><b>b.</b> Present research findings.</p>
	<p><b>c.</b> Generate clear, concise, and informative technical documents.</p>

(3-15-02)( )



**IDAPA 09 - IDAHO DEPARTMENT OF LABOR**  
**09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**  
**DOCKET NO. 09-0104-0201**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency proposed rulemaking. The action is authorized pursuant to Section(s) 72-1333(2), 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 16, 2002.

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 rule will amend IDAPA 09.01.04.040 to allow a write-off of minimal overpayment balances where collection costs exceed the amount of the debt or are so administratively burdensome that they may be excluded from the overpayment collection procedures in Section 72-1369, Idaho Code.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the nature of the change being made.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Bob Davis at 208/332-3570 ext. 3264.

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 23, 2002.

DATED this 21st day of August, 2002.

Bob Davis  
BPC Bureau Chief  
Benefit Payment Control Bureau  
Idaho Department of Labor  
317 W. Main Street  
Boise, ID 83735  
208/332-3570 ext. 3264  
208/334-6437 Fax

---

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 09-0104-0201**

**040. RECOVERIES.**

Overpayments shall be deducted from any future benefits payable as provided by law. When the cost of collecting an overpayment exceeds the amount owed or the amount owed is de minimis, the amount shall not be considered an overpayment. Ref. Sec. 72-1369, Idaho Code. ~~(3-19-99)~~( )

## **IDAPA 11 - IDAHO STATE POLICE**

### **11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY**

**DOCKET NO. 11-1003-0201**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** These pending rules have been adopted by the agency and are now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that his agency has adopted a pending rule. The action is authorized pursuant to Title 67, Chapter 30, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the June 5, 2002, Administrative Bulletin, Volume 02-06, pages 31 through 35.

Changes in the requirements to register out-of-state offenders who are employed by or enrolled in an institution of higher learning in Idaho and the requirement of person(s) with a dismissed withheld judgment to obtain relief from registration under Section 18-8310, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Robert Taylor, Bureau of Criminal Identification, at (208) 884-7132.

DATED this 12th day August, 2002.

Margaret P. White  
Deputy Attorney General  
Idaho State Police  
P.O. Box 700, Meridian, ID 83680-0700  
(208) 884-7050 / (208) 884-7090 (FAX)

---

### **IDAPA 11, TITLE 10, Chapter 03**

#### **RULES GOVERNING THE SEX OFFENDER REGISTRY**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 02-6, June 5, 2002, pages 31 through 35.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2003 Idaho State Legislature as a final rule.**

# IDAPA 11 - IDAHO STATE POLICE

## 11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-0201

### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** These temporary rules are effective March 7, 2002 and June 11, 2002.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 19-5107, 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 16, 2002.

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 purpose of this proposed rulemaking is to bring the rules up-to-date, use consistent language, and eliminate any conflicts between sections. The substance of the proposed rulemaking is as follows: Defines "prosecutor"; breaks sections into smaller sections by renumbering; allows the Executive Director to waive less serious misdemeanor convictions; clarifies that the rules now apply to county juvenile probation officers; establishes the "Patrol-to-Detention Transition Academy"; requires officers challenging the academy to complete courses in Emergency Vehicle Operation, Arrest Techniques, Handgun Retention, and Practical Problems; clarifies the requirements for different certifications by breaking them into different sections; clarifies requirements for reserve certification; enhances the requirements for communications specialist certification; establishes the requirements for Master Instructor certification; and establishes the requirements for the certification of schools utilizing alternate methods of training delivery.

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

Protection of the public health, safety, or welfare.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Section 298 establishes that for-profit entities shall pay a fee for having their training courses evaluated and certified pursuant to Sections 19-5107, 19-5109(4), 19-5116(4)(C), and 19-5116(4)(d), Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Michael N. Becar at (208) 884-7251.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2002.

DATED this 21st day of August, 2002.

Michael N. Becar, Executive Director  
Idaho State Police  
Peace Officer Standards and Training  
700 South Stratford Drive  
P.O. Box 700, Meridian, ID 83680-0700  
(208) 884-7251 / (208) 884-7295 (FAX)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1101-0201**

**004. INCORPORATION BY REFERENCE.**

*There are no documents that have been incorporated by reference into this rule. IDAPA 11.11.01 incorporates by reference the Law Enforcement Code of Ethics as revised in 1989 by the International Association of Chiefs of Police, 515 North Washington Street, Alexandria, VA 22314.* ~~(3-15-02)(3-7-02)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

- 01. Act.** Title 19, Chapter 51, of the Idaho Code. (4-5-00)
- 02. Agency.** A law enforcement agency which is a part of or administered by the state or any political subdivision thereof and which is responsible for the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. (4-5-00)
- 03. Agency Head.** A chief of police of a city, sheriff of a county, or chief administrator of any law enforcement agency of the state of Idaho or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. (4-5-00)
- 04. College Credit.** A unit of work towards a baccalaureate or vocational degree accepted by a college or university of higher education accredited by the Northwest Association of Schools and Colleges or other equivalent accrediting agency. (7-1-93)
- 05. County Detention Officer.** An employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates. (4-5-00)
- 06. Crime of Deceit.** Any offense described in Section 18-1301 et seq., Idaho Code, (Bribery), Section 18-1401 et seq. (Burglary), Sections 18-1901 (Fictitious Stock Subscription), 18-1902 (Exhibition of False Papers to Public Officers), 18-1903 (Use of False Name in Prospectus), 18-1904 (Illegal Dividends and Reductions of Capital), 18-1905 (Falsification of Corporate Books), 18-1906 (Fraudulent Reports by Officers), 18-2202(1) (Computer Crime), 18-2302 (False Swearing as to Qualifications as Voter), 18-2304 (Procuring Illegal Votes), 18-2305 (Intimidation, Corruption and Frauds), 18-2306 (Illegal Voting or Interference with Election), 18-2307 (Attempting to Vote When Not Qualified or to Repeat Voting), 18-2309 (Officers Attempting to Change Result), 18-2310 (Forging or Counterfeiting Returns), 18-2311 (Adding to or Subtracting From Votes), 18-2316 (Tampering with Certificates of Nomination or Ballots), 18-2320 (Bribery of Electors), Section 18-2401 et seq. (Theft), Section 18-2601 et seq. (Falsifying Evidence—Offering Forged or Fraudulent Documents in Evidence), Section 18-2701 et seq. (Bribery of Executive Officers), Sections 18-3105 (False Statement by Commission Merchant, Broker, Agent, Factor or Consignee to Principal or Consignor), 18-3106 (Drawing Check Without Funds—Drawing Check With Insufficient Funds—Prima Facie Evidence of Intent—Standing of Person Having Acquired Rights—Probation Conditions), 18-3123 (Forgery of a Financial Transaction Card), 18-3124 (Fraudulent Use of a Financial Transaction Card), 18-3125 (Criminal Possession of Financial Transaction Card and FTC Forgery Devices), 18-3125A (Unauthorized Factoring of Credit Card Sales Drafts), 18-3126 (Misappropriation of Personal Identifying Information), 18-3127 (Receiving or Possessing Fraudulently Obtained Goods or Services), 18-3201 (Officer Stealing, Mutilating or Falsifying Public Records), 18-3202 (Private Person Stealing, Mutilating or Falsifying Public Records), 18-3203 (Offering False or Forged Instrument for Record), 18-3204 (False Certificates or Other Instruments from Officers), 18-3206 (Mutilating Written Instruments), Section 18-3601 et seq. (Forgery), Sections 18-4616 (Defacing Marks on Logs or Lumber), 18-4617 (Stealing Rides on Trains), 18-4621 (Stealing Electric Current—Tampering with Meters), 18-4622 (Stealing Electric Current—Accessories Liable as Principals), 18-4624 (Taken or Converted Merchandise as Theft), 18-4626 (Wilful Concealment of Goods, Wares or Merchandise—Defense for Detention), 18-4630 (Illegal Use of Documents), 18-4701 (Alteration of Bills), 18-4702 (Alteration of Enrolled Copies), 18-4703 (Offering Bribes to

Legislators), 18-4704 (Legislators Receiving Bribes), Section 18-5401 et seq. (Perjury), Section 18-6501 et seq. (Robbery), Sections 18-8201 (Money Laundering and Illegal Investment—Penalty—Restitution), 41-293 (Insurance Fraud), 41-294 (Damage to or Destruction of Insured Property), 41-1306 (False Financial Statements), 49-228 (Receiving or Transferring Stolen Vehicles), 49-231 (Farm Implements—Purchasing or Selling When Identifying Number Altered or Defaced a Felony), 49-232 (Fraudulent Removal or Alteration of Numbers Prohibited), 49-518 (Altering or Forging Certificate—Stolen Cars—Destroying or Altering Engine or Decal Number—Use of Fictitious Name—Fraud), or any attempt, conspiracy or solicitation to commit any of the foregoing offenses, or any racketeering offense under Section 18-7801 et seq., Idaho Code, in which any of the foregoing offenses constitutes at least one (1) of the predicate acts, or any other crime defined in the Idaho Code involving any form of theft or including fraudulent intent as an element, or an offense equivalent to any of the foregoing in any other jurisdiction.

(3-15-02)

**07. Field Training.** Training in which an individual receives formal instruction on the job for special and defined purposes. (7-1-93)

**08. Full Time.** Employment of eighty (80) hours or more per month for ninety (90) consecutive calendar days. (7-1-93)

**09. High School.** A school accredited as a high school by the Department of Education of the state in which the high school is located, or a school accredited as a high school by the recognized regional accreditation body, or a school accredited as a high school by the State University of the state in which the school is located. (7-1-93)

**10. In-Service Training.** Training designed to refresh or add to an individual's capabilities to do the task to which they are or may be assigned. (7-1-93)

**11. Juvenile Detention Officer.** Any employee of a juvenile detention center which is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center. (3-15-02)

**12. Juvenile Probation Officer.** Any employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation and the supervision of juvenile offenders' compliance with court orders. (3-7-02)T

**123. Law Enforcement Profession.** As used in agreements authorized pursuant to Section 19-5112, Idaho Code, means a peace officer whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision; or an employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates. (7-1-93)

**134. Manual.** This book of Rules as adopted by the Idaho Peace Officer Standards and Training Council. (4-5-00)

**145. Part Time.** Employment of less than eighty (80) hours per month for ninety (90) consecutive calendar days. (7-1-93)

**156. Peace Officer.** Any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "Peace officer" also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer standards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho. (4-5-00)

**167. POST.** The Idaho Peace Officer Standards and Training Program. (7-1-93)

**18. Prosecutor.** A city prosecuting attorney, city assistant prosecuting attorney, county prosecuting attorney, county deputy prosecuting attorney, attorney general, deputy attorney general, United States attorney, or assistant United States attorney. (3-7-02)T

**179. Qualified Instructor.** Any person certified by the Idaho POST Council as being competent to teach in a Council approved school. (7-1-93)

~~1820.~~ **Reserve Peace Officer.** An individual assigned by an agency to perform the duties of a peace officer who does not meet the definition of a full- or part-time peace officer. All reserve officers ~~must~~ shall be under supervision as set forth in these rules. (~~4-5-00~~)(3-7-02)T

~~1921.~~ **School.** Any school, college, university, academy, or local training program which offers law enforcement training and includes within its meaning the combination of course curriculum, instructors and facilities, or any training session as certified by POST. (7-1-93)

**202. School Director Or Coordinator.** An individual charged with the responsibility of conducting a training school under the provisions of the Act. (7-1-93)

~~213.~~ **Specification.** A description of a requirement supplementing a section of the Rules. (7-1-93)

**224. Temporary.** Employment of less than ninety (90) consecutive calendar days. (7-1-93)

~~235.~~ **Trainee.** An officer participating in any POST approved training program. (3-15-02)

**(BREAK IN CONTINUITY OF SECTIONS)**

**050. MINIMUM STANDARDS FOR EMPLOYMENT.**

Every peace ~~officer and county~~ detention, juvenile detention, or juvenile probation officer ~~employed by an agency~~ shall meet the ~~following~~ requirements: in Sections 050 through 063. (~~3-15-02~~)(3-7-02)T

**01. Citizenship.** Shall be a citizen of the United States. (3-15-02)

**02. Education Requirements.** (3-20-97)

**a.** Graduation from high school or having passed the General Educational Development Test indication of high school graduation. The military or veterans equivalent of high school graduation is also acceptable. (3-15-02)

**b.** Documentary evidence of satisfaction of this requirement shall be in the form of a high school diploma, high school transcript, GED certificate, or GED test report form. A college transcript indicating the successful completion of a minimum of fifteen (15) academic credits is also acceptable. In unusual circumstances, the Council may accept other documentation, and in such cases the decision of the Council shall be final. (3-15-02)

**03. Experience Requirements.** (3-20-97)

**a.** Not less than two (2) years of responsible work experience following high school graduation (or when the applicant would have graduated). (3-20-97)

**b.** The work experience requirement can be complied with by two (2) years of any combination of military service, gainful employment, education, or any other productive activity. (~~3-15-02~~)(3-7-02)T

~~04. Character/Criminal Record/Military Record Requirements.~~ (~~3-15-02~~)

**051. CHARACTER.**

The POST Council may take into consideration the commission of any act or offense involving moral turpitude to ensure an applicant is of good moral character and warrants the public trust. The purpose of this requirement is to prohibit persons who engage in dishonest, unprofessional, unethical, or immoral conduct from becoming law enforcement officers, and to protect against acts or conduct which may endanger the safety and welfare of the public.

(3-7-02)T

**052. CRIMINAL RECORD.**

~~#01.~~ **Fingerprints.** The applicant shall be fingerprinted on two (2) copies of the standard FBI Applicant fingerprint form, and a search made of local, state, and national fingerprint files to disclose any criminal record. The original copies of all records check results shall be retained by the POST Council. ~~(3-15-02)(3-7-02)T~~

~~#02.~~ **Conviction.** The term "conviction" shall include: ~~(3-15-02)(3-7-02)T~~

~~i.a.~~ Any conviction in a federal, tribal, state, county, or municipal court; (3-15-02)

~~i.b.~~ A voluntary forfeiture of bail, bond, or collateral deposited to secure a defendant's appearance in court as final disposition; (3-15-02)

~~i.c.~~ The payment of a fine; (3-15-02)

~~i.d.~~ A plea of guilty, nolo contendere; or (3-15-02)

~~i.e.~~ A finding of guilt regardless of whether the sentence is imposed, suspended, deferred, or withheld, and regardless of whether the plea or conviction is set aside or withdrawn, or the case or charge is dismissed, or the record expunged under Section 19-2604, Idaho Code, or any other comparable statute or procedure, where the setting aside of the plea or conviction, or dismissal of the case or charge, or expungement of the record is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the plea, finding of guilt, or conviction. (3-15-02)

~~e.~~ *The POST Council may take into consideration the commission of any act or offense involving moral turpitude to ensure an applicant is of good moral character and warrants the public trust. The purpose of this requirement is to prohibit persons who engage in dishonest, unprofessional, unethical, or immoral conduct from becoming law enforcement officers, and to protect against acts or conduct which may endanger the safety and welfare of the public.* ~~(3-15-02)~~

~~#03.~~ **Misdemeanor Conviction.** A misdemeanor conviction of any federal, state, or local crime may be grounds for rejection of the applicant. ~~(3-15-02)(3-7-02)T~~

~~i.a.~~ An applicant shall be rejected who has been convicted of any misdemeanor sex crime, crime of deceit, or drug offense unless the conviction occurred more than five (5) years prior to application and the applicant's agency head files a written request for review with the POST Council. In ~~that~~ the case of a willful concealment or petit theft conviction, the applicant may be accepted upon approval of the POST Executive Director. The Executive Director shall have the discretion to refer the application to the POST Council. In all other cases, the POST Council shall review the application and determine whether the individual shall be certifiable as a peace, detention, ~~or~~ juvenile detention, or juvenile probation officer in the state of Idaho. ~~(3-15-02)(3-7-02)T~~

~~i.b.~~ An applicant shall be rejected who has been convicted of a DUI during the two (2) years immediately preceding application. No waivers shall be granted by the POST Council for DUI convictions within the last two (2) years. If the conviction occurred more than two (2) years prior to application, the applicant may be accepted upon approval of the POST Executive Director provided the applicant's agency head, with knowledge of the facts and circumstances concerning the offense or violation, recommends approval. The Executive Director shall have the discretion to refer the application to the POST Council. (3-15-02)

~~i.c.~~ An applicant with any other misdemeanor conviction may be accepted upon approval of the POST Executive Director provided the conviction occurred more than two (2) years prior to application and the applicant's agency head, with knowledge of the facts and circumstances concerning the offense or violation, recommends approval. The Executive Director shall have the discretion to refer the application to the POST Council. If the conviction occurred during the two (2) years immediately preceding application, the POST Council shall review the application and determine whether the individual shall be certifiable as a peace, detention, ~~or~~ juvenile detention, or juvenile probation officer in the state of Idaho. ~~(3-15-02)(3-7-02)T~~

~~e~~**04. Felony Conviction.** An applicant shall be rejected who has been convicted of any felony crime, the punishment for which could have been imprisonment in a federal or state penal institution. For the purpose of this rule, a felony conviction shall continue to be considered a felony conviction regardless of whether the conviction is later reduced to a misdemeanor conviction under Section 19-2604, Idaho Code, or any other comparable statute or procedure, where the reduction is based upon lenity or the furtherance of rehabilitation rather than upon any defect in the legality or factual basis of the felony conviction. No waivers shall be granted by the POST Council, except where, since the time of the conviction, the crime for which the defendant was convicted has, by statute, been reduced to a misdemeanor or decriminalized in the jurisdiction where the conviction occurred. In such cases, the POST Council shall review the application and determine whether the individual shall be certifiable as a peace, detention, ~~or~~ juvenile detention, ~~or juvenile probation~~ officer in the state of Idaho. (3-15-02)(3-7-02)T

**053. MILITARY RECORD.**

~~f~~ A “dismissal,” “bad conduct discharge” (BCD), “dishonorable discharge” (DD), or administrative discharge of other than honorable (OTH) from the military service shall disqualify the applicant. The administrative discharge of “general under honorable conditions” (GEN) may be grounds for rejection. (3-15-02)(3-7-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**061. CODE OF CONDUCT/CODE OF ETHICS.**

Each applicant shall attest that he has read, understands, and will abide by the Law Enforcement Code of Conduct as found in Subsection 091.04 and the Law Enforcement Code of Ethics as ~~found in Subsection 091.04~~ adopted by the International Association of Chiefs of Police, 515 North Washington Street, Alexandria, VA 22314. (3-15-02)(3-7-02)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**071. BASIC TRAINING ACADEMY.**

Each and every peace, detention, ~~and~~ juvenile detention, and juvenile probation officer shall successfully complete the respective POST Basic Training Academy, including the field training portion, within twelve (12) months from the date of their appointment as a full-time officer. This time period includes probationary time. (3-15-02)(3-7-02)T

**01. Attendance.** Attendance shall be required of each trainee at all classes in the Basic Training Academy. A trainee who is absent for more than one (1) day of the academy session shall make up such course content. (7-1-93)

**02. Completion.** A trainee shall successfully complete the Basic Training Academy within six (6) months of the date they enroll in such course. In a case of delay of more than six (6) months, the entire course shall be repeated. (3-15-02)

**03. Field Training.** The field training portion shall be completed to be eligible for certification. (3-15-02)

**(BREAK IN CONTINUITY OF SECTIONS)**

**073. COLLEGE EDUCATION.**

**01. Unacceptable In Lieu Of Basic Training Academy.** Credit for pre-service college education shall not be accepted in lieu of a Basic Training Academy. (3-15-02)

**02. Acceptable In Lieu Of Basic Training Academy.** Vocational education training programs that have been previously certified by the Council may be accepted as equivalent training in lieu of a POST Basic



Training Academy provided the officer successfully graduates from the program, passes the POST certification examination, submits a completed POST Vo-Tech Certification Packet, is appointed to a certifiable position within three (3) years from graduating from the program, and complies with the requirements of Section ~~0957~~ or Section ~~(3-15-02)~~ 176 ~~(3-7-02)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**079. THE PATROL-TO-DETENTION TRANSITION ACADEMY TRAINING CURRICULUM.**

**01. Eligibility.** To be eligible to attend the Patrol-to-Detention Transition Academy, each applicant shall be: (6-11-02)T

a. A peace or county detention officer appointed by a duly constituted Idaho law enforcement agency who possesses or is eligible to possess a valid Idaho POST Basic, Intermediate, or Advanced Certificate; (6-11-02)T

b. A self-sponsored student who has satisfactorily completed the Idaho POST Basic Patrol Academy within the last three (3) years; or (6-11-02)T

c. A professional member of the POST Council staff. (6-11-02)T

**02. Training Hours.** The amount of training for which certification may be granted in the Patrol-to-Detention Transition Academy shall be a total of one hundred thirty (130) hours, with ninety (90) hours received at the training academy and forty (40) hours received in jail training in the officer's appointing agency or another agency if necessary prior to or subsequent to attendance at the Patrol-to-Detention Transition Academy. (6-11-02)T

**03. Requirements.** (6-11-02)T

a. Successful completion of ninety (90) hours of instruction in the following minimum prescribed subject areas at the Patrol-to-Detention Transition Academy shall be required:

<b>Summary</b>	<b>Hours</b>
<u>Jail Standards Procedures</u>	<u>9</u>
<u>Detention Legal Issues</u>	<u>20</u>
<u>Practical Skills</u>	<u>15</u>
<u>Jail Medical Issues</u>	<u>10</u>
<u>Human Relations</u>	<u>6</u>
<u>Detention Techniques</u>	<u>13</u>
<u>Incident Procedures</u>	<u>4</u>
<u>Emergency Procedures</u>	<u>6</u>
<u>Research Assignment</u>	<u>1</u>
<u>Administration/Examinations</u>	<u>6</u>
<b>Sub-Total</b>	<b>90</b>
<u>Jail Training Manual</u>	<u>40</u>
<b>Total</b>	<b>130</b>

(6-11-02)T

**b.** It is emphasized that the established patrol-to-detention transition academy training is only a minimum and that additional instruction beyond the academy is necessary if the proper training of a detention officer, as required by the profession, is to be accomplished. (6-11-02)T

**c.** Successful completion of forty (40) hours of supervised jail training in the appointing agency or another agency if necessary, shall be required. (6-11-02)T

**04. Procedure.** (6-11-02)T

**a.** Trainees shall be enrolled in the Patrol-to-Detention Transition Academy in sufficient time to permit completion of the course and the supervised jail training during the twelve (12) month period following their appointment as a detention officer. (6-11-02)T

**b.** The Council shall issue a certificate of graduation from the Patrol-to-Detention Transition Academy to each trainee who successfully completes the Patrol-to-Detention Transition Academy. (6-11-02)T

**080. JAIL TRAINING.**

Jail training shall be conducted in accordance with the procedures as outlined in the Jail Training Manual. (6-11-02)T

**07981. AGREEMENT TO SERVE.**

**01. Agreement.** Pursuant to Section 19-5112, Idaho Code, any peace officer attending such schools or programs or directly or indirectly receiving the aid authorized by Section 19-5109, Idaho Code, shall execute an agreement whereby said officer promises to remain within the law enforcement profession, as defined in Subsection 010.12, on a full time basis, in the state of Idaho in a position approved by the Council for two (2) years following graduation from the POST Basic Training Academy. (~~3-15-02~~)(3-7-02)T

**02. Pay Back.** Except as provided below, any peace officer who fails to remain within the law enforcement profession, as defined in Subsection 010.12, on a full time basis, in the state of Idaho in a position approved by the Council for two (2) years following graduation from the POST Basic Training Academy, shall be required to pay back to the Council, the full amount of money set forth in the agreement. For the purposes of this rule, an officer who leaves full-time employment in the law enforcement profession and has not worked four thousand one hundred sixty (4,160) or more hours during the two (2) years following graduation from the POST Basic Training Academy shall be deemed to have failed to remain within the law enforcement profession, on a full time basis, for two (2) years following graduation from the POST Basic Training Academy. (~~3-15-02~~)(3-7-02)T

**a.** If the officer remains within the law enforcement profession in excess of twelve (12) months but less than twenty-four (24) months and the officer's work within the law enforcement profession during that period averaged at least one hundred sixty (160) hours per month, the amount owed to the Council under Subsection 07981.02 shall be prorated monthly and shall be reduced proportionately for each month from the date of graduation in which the officer was employed within the law enforcement profession for at least one hundred sixty (160) hours per month. (~~3-15-02~~)(3-7-02)T

**b.** If the officer resigns or is terminated for cause by the appointing agency, he shall owe the Council the amount set forth in the agreement. (3-15-02)

**c.** If the officer is terminated through no fault of his own by the appointing agency, he shall not owe the Council the amount set forth in the agreement. The agency shall provide the Council a letter stating that the officer was terminated through no fault of his own. (3-15-02)

**03. Pay Back, Part-Time Basic Certificate.** Any peace officer who is awarded a part-time basic certificate who fails to remain employed within the law enforcement profession in a position approved by the Council for the same amount of hours required in Subsection 07981.02, shall be required to pay back to the Council the full amount of money set forth in the agreement. (~~3-15-02~~)(3-7-02)T

**04. Position.** The Council shall approve or disapprove positions on a case by case basis, after affording officers the opportunity to present information as to the duties, nature, and scope of the position. (3-15-02)

~~0802.~~ -- 089. (RESERVED).

**090. CERTIFICATION OF PEACE, DETENTION, JUVENILE DETENTION, AND JUVENILE PROBATION OFFICERS.**

**091. INTRODUCTION.**

**01. Certificates and Awards.** Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals. (3-20-97)

**02. Property.** Certificates and awards remain the property of the Council and are only valid as long as the officer is ~~commissioned~~ appointed as an Idaho peace, detention, juvenile detention, or juvenile probation officer. (~~7-1-99~~)(3-7-02)T

**03. Decertification.** The Council may decertify any officer who pleads guilty or is found guilty, regardless of the form of judgment or withheld judgment, of any felony or offense which would be a felony if committed in this state; any misdemeanor; any unlawful use, possession, sale, or delivery of any controlled substance; or who willfully or otherwise falsifies or omits any information to obtain any certified status; or who violates any of the standards of conduct as established by the council's code of conduct, as adopted and amended by the council. (7-1-99)

**04. Law Enforcement Code Of Conduct.** As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality, and justice. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. In furtherance of these duties, I hereby adopt and accept the following code of conduct: (7-1-99)

**a.** I shall conduct myself at all times in a manner that does not damage or have the likely result of damaging or bringing the public image, integrity, or reputation of my department or myself into discredit or disrepute. (7-1-99)

**b.** I shall not possess or consume alcoholic beverages on duty or while in uniform on duty or off duty, except as expressly required for the lawful performance of my duties. Nor shall I unlawfully possess, sell, consume, use or assist in the use of any illegal or unauthorized drugs or medications on duty or off duty. (7-1-99)

**c.** I shall not engage in any illegal or unlawful harassment or intimidation of another, nor shall I permit personal prejudices, political beliefs, animosities, or friendships to influence my decisions. (7-1-99)

**d.** I shall not lie, give misleading information, or falsify written or verbal communications in official reports or in their actions with another person or organization when it is reasonable to expect that such information may be relied upon because of my position or affiliation with my department. (7-1-99)

**e.** I shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices of my department. I shall also subordinate my personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures and practices of my department, as well as to the lawful orders and directives of supervisors and superior command personnel of my department. I shall willfully perform all lawful duties and tasks assigned by supervisory and/or superior-ranked personnel. Direct, tacit, or constructive refusal to do so is insubordination. (7-1-99)

**f.** I shall obey the constitutional, criminal and civil laws of the city, county, state, and federal government. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. (7-1-99)

**092. LAPSE OF PEACE OFFICER CERTIFICATION.**

~~05. Lapse Of Certification.~~ The certification of any peace officer shall be considered lapsed if the officer does not serve as a peace officer in Idaho for three (3) consecutive years. Provided, however, that those persons once POST certified as peace officers who remain in active law enforcement in Idaho shall retain their POST certification for purposes of compliance with this rule. The person ~~must~~ shall work at least one hundred twenty (120) hours active law enforcement per year. This shall include administrative, jail, or civil division duty assignments in law enforcement agencies as defined in Section 19-5101(d), Idaho Code. Provided further that those persons once POST certified as peace officers in Idaho who remain in full-time, active law enforcement outside the state of Idaho, without a break in full-time law enforcement, and who ~~successfully complete~~ attend an approved course of study in Idaho POST Academy Law Week and pass the POST Idaho law exam may petition the Executive Director for recertification. The Executive Director shall have the discretion to grant or deny the petition or may refer the petition to the Council. (7-1-99)(3-7-02)T

~~01. Three To Five Years.~~ A peace officer who has been out of full-time law enforcement status for three (3) to five (5) years and who wants to be recertified ~~must~~ shall meet the following POST requirements: ~~attend an approved course of study in Idaho law and pass the POST Idaho law exam, pass the POST patrol certification examination, qualify on the POST firearms course, pass the POST fitness test, and satisfy the probationary period requirement of Section 062.~~ (7-1-99)(3-7-02)T

- ~~a.~~ Submit a POST Certification Patrol Challenge Packet; (3-7-02)T
- ~~b.~~ Attend an approved course of study in Idaho law and pass the POST Idaho law exam; (3-7-02)T
- ~~c.~~ Pass the following tests administered by a POST Training Specialist: (3-7-02)T
  - ~~i.~~ The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (3-7-02)T
  - ~~ii.~~ The POST Firearms Qualification Course; (3-7-02)T
  - ~~iii.~~ The POST Physical Fitness Test Battery; and (3-7-02)T
- ~~d.~~ Satisfy the probationary period requirement of Section 062. (3-7-02)T

~~02. Over Five Years.~~ A peace officer who has been out of full-time law enforcement status for over five (5) years ~~must~~ shall attend the POST Basic Patrol Academy to be recertified. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the ~~preceding five (5) years~~ time out of full-time law enforcement, the officer was engaged in an occupation requiring law enforcement training, skill, and experience. ~~This evidence shall be submitted with a POST Certification Patrol Challenge Packet.~~ Upon receiving a waiver, the officer ~~must~~ shall meet the following POST requirements: ~~attend an approved course of study in Idaho law and pass the POST Idaho law exam, pass the POST patrol certification examination, qualify on the POST firearms course, pass the POST fitness test, and satisfy the probationary period requirement of Section 062.~~ (7-1-99)(3-7-02)T

- ~~a.~~ Attend an approved course of study in Idaho law and pass the POST Idaho law exam; (3-7-02)T
- ~~b.~~ Attend and pass Idaho POST-certified courses in Emergency Vehicle Operation, Arrest Techniques, Handgun Retention, and Practical Problems; (3-7-02)T
- ~~c.~~ Pass the following tests administered by a POST Training Specialist: (3-7-02)T
  - ~~i.~~ The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 097.02.b.; (3-7-02)T
  - ~~ii.~~ The POST Firearms Qualification Course; (3-7-02)T
  - ~~iii.~~ The POST Physical Fitness Test Battery; and (3-7-02)T

**d.** Satisfy the probationary period requirement of Section 062. (3-7-02)T

~~**e.** The provisions of Subsections 091.05 and 091.05.a. shall not apply to officers holding a part-time basic certificate who are employed at least one hundred twenty (120) hours per year within the law enforcement profession. (7-1-99)~~

**003. Over Eight Years.** A peace officer who has been out of full-time law enforcement status for over eight (8) years ~~must shall~~ attend the POST Basic Patrol Academy to be recertified. No waiver of this requirement shall be granted by the Council. (7-1-99)(3-7-02)T

**04. Exception.** The provisions of Subsections 092.01 through 092.03 shall not apply to officers holding a part-time basic certificate who work at least one hundred twenty (120) hours per year within the law enforcement profession. (3-7-02)T

~~**06. Forms.** Basic, Part-time Basic, Intermediate, Supervisory, Advanced, Master, Management, and Executive Certificates are established for the purpose of fostering professionalism, education, and experience necessary to perform adequately the duties of law enforcement. (3-20-97)~~

**093. PEACE OFFICER CERTIFICATION.**

Any peace officer as defined in Section 19-5101(d), Idaho Code, except any elected official, any deputy sheriff serving civil process, the superintendent of the Idaho State Police, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, shall be certified by the Peace Officer Standards and Training Council within one (1) year after first being appointed unless granted additional time to complete certification by the POST Council as set forth in Subsection 030.16. (3-7-02)T

**0924. GENERAL PROVISIONS.**

**01. Certification.** ~~From and after January 1, 1974, any peace officer, as defined in Section 19-5101(d), Idaho Code, except those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinances, shall be certified by the Peace Officer Standards and Training Council within one (1) year after first being employed.~~ **Purpose.** Basic, Part-Time Basic, Intermediate, and Advanced Certificates are established for the purpose of fostering professionalism, education, and experience necessary to perform adequately the duties of law enforcement. (7-1-93)(3-7-02)T

**02. Employed Eligibility.** To be eligible for the award of a Basic, Intermediate, or Advanced Certificate, each applicant ~~must shall~~ be a professional member of the POST Council staff, or a full-time ~~commissioned Idaho~~ peace officer ~~employed appointed~~ by a duly constituted Idaho law enforcement agency, ~~or a professional member of the POST Council staff, except~~ To be eligible for the award of a part-time Basic certificate ~~or Reserve Level I certificate, for which an eligible~~ each applicant ~~must shall~~ be a professional member of the POST Council staff, or a part-time ~~commissioned Idaho~~ peace officer ~~employed appointed~~ by a duly constituted Idaho law enforcement agency. (7-1-99)(3-7-02)T

**03. Applications.** All applications for award of the Basic, Part-Time Basic, Intermediate, ~~Supervisory, or Advanced, Master, Management, or Executive~~ Certificates shall be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council. (3-20-97)(3-7-02)T

**04. Submission.** The Application for Certification form shall be submitted by the applicant to his agency head who shall review it for accuracy prior to signing it and forwarding it to the Council. Certificates shall be issued to the agency head for award to the applicant. (3-7-02)T

**045. Minimum Standards.** Each applicant ~~must shall~~ meet the minimum standards for employment and basic training as provided in ~~these rules~~ Sections 050 through 063 and 070 through 076. (7-1-93)(3-7-02)T

**056. Other.** The superintendent of the Idaho State Police or any elected official, although specifically excluded by law from meeting the requirements set by the Council, may be certified if they so desire, ~~provided~~ they meet the minimum requirements for certification as prescribed in these rules. (7-1-93)(3-7-02)T

**0935. LAW ENFORCEMENT EXPERIENCE.**

Law enforcement experience, as used herein, means actual time served as a ~~commissioned law enforcement peace officer, county detention officer, or communications specialist~~ with a duly constituted law enforcement agency. The acceptability of time served as a ~~law enforcement peace officer, county detention officer, or communications specialist~~ in a jurisdiction other than the state of Idaho, or in a jurisdiction which does not comply with the minimum standards for employment as set forth in Sections 050 through ~~Section 063 of this manual~~, shall be subject to the determination of the Council. (7-1-99)(3-7-02)T

**0946. EDUCATION AND TRAINING COLLEGE CREDITS.**

**01. College Hour.** One (1) college or university semester hour or unit shall equal one (1) college credit. (7-1-93)

**02. College Quarter Hour.** One (1) college or university quarter hour or unit shall equal two-thirds (2/3) of one (1) college credit. (7-1-93)

~~a. Basic, advanced and specialized courses certified by the Council will be approved. (7-1-93)~~

**03. Conversion To POST Training Hours.** College credits may be converted to POST training hours at the rate of one (1) college credit equals twenty (20) POST training hours. (3-7-02)T

~~b04. Credits For POST-Approved Training.~~ When college credit is awarded or purchased for ~~law enforcement-related subjects~~ POST-approved training, it may be counted for either POST training hours or college credit, whichever is to the advantage of the applicant, subject to the limitation set forth in Subsection 096.05. (7-1-93)(3-7-02)T

~~e05. Limitation On Credits For POST-Approved Training.~~ Of the required amount of college credits needed for higher levels of certification, no more than one-half (1/2) shall be from credits awarded or purchased from any college or university for attending POST-approved ~~police~~ training. (3-15-02)(3-7-02)T

**0957. THE BASIC AND PART-TIME BASIC CERTIFICATE.**

In addition to the requirements set forth in Section 0924 of these ~~R~~rules, the ~~following~~ requirements in Section 097 are necessary for award of the basic certificate and the part-time basic certificate. (3-20-97)(3-7-02)T

**01. Probation.** The applicant ~~must~~ shall have satisfactorily completed at least a six (6) months ~~satisfactory~~ probationary period, which (may include basic ~~training patrol~~ academy time). The ~~P~~probationary period may be extended by the appointing agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time ~~must~~ shall be continuous with the ~~department~~ agency the officer is ~~employed with~~ appointed to when applying for certification. The ~~P~~probationary period ~~may~~ shall not extend over one (1) year for certification purposes. (3-20-97)(3-7-02)T

**02. Basic Training.** The applicant shall have satisfactorily completed; (3-7-02)T

~~a.~~ ~~†~~The POST Basic Patrol ~~Training Course Academy~~ as ~~recommended~~ required by the Council in Section 071; or (3-7-02)T

~~b.~~ ~~†~~Be a graduate of a law enforcement vo-tech program, the curriculum of which has been approved certified by the Council as being equivalent to the POST Basic Patrol ~~Training Course Academy~~, and shall have passed the POST patrol certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass the examination. The attempts ~~must~~ shall be no less than thirty (30) days apart and no more than six (6) months apart. If an officer fails both attempts or fails to retake the examination within six (6) months, he/she must shall successfully complete the POST Basic Patrol ~~Training Academy Course~~ to be certified. (7-1-99)(3-7-02)T

**03. Field Training.** The applicant shall have satisfactorily completed forty (40) hours of POST-approved field training. (3-7-02)T

**04. Vo-Tech Program Graduates.** Graduates from Idaho POST-certified law enforcement vo-tech programs shall also comply with the requirements of Subsection 073.02. (3-7-02)T

**098. CHALLENGING THE BASIC PATROL ACADEMY.**

~~03.~~ **Employed.** Any peace officer presently ~~employed~~ appointed by a duly constituted Idaho law enforcement agency who has within the last five (5) years, been certified or commissioned by another state or the federal government as a peace officer or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic ~~Training~~ Patrol Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Patrol Academy, provided the officer: (7-1-99)(3-7-02)T

~~01.~~ **Submission Of Challenge Packet.** Submits a POST ~~Patrol~~ Certification Patrol Challenge Packet to POST Council, which ~~must~~ shall include copies of POST training records from other states to substantiate the officer's training; and transcripts, certificates, diplomas, or other documents that substantiate the officer's ~~training~~ education and experience; (7-1-99)(3-7-02)T

**02. Law Course Attendance.** Attends an approved course of study in Idaho law and passes the POST Idaho law exam; (3-7-02)T

**03. Attends And Passes POST Courses.** Attends and passes Idaho POST-certified courses in Emergency Vehicle Operation, Arrest Techniques, Handgun Retention, and Practical Problems; (3-7-02)T

~~04.~~ **Passes Required Tests.** Passes the following tests administered by a POST Training Specialist: (7-1-99)

~~i.~~ **a.** The POST patrol certification examination approved by the Council, conducted in the manner set forth in Subsection 0957.02.b; (7-1-99)(3-7-02)T

~~ii.~~ **b.** The POST ~~Short~~ Firearms Qualification Course ~~for qualification of firearms;~~ and (7-1-99)(3-7-02)T

~~iii.~~ **c.** The POST ~~Academy p~~Physical ~~f~~Fitness ~~t~~Test Battery. (7-1-99)(3-7-02)T

~~e.~~ **e.** Attends and passes an approved course of study in Idaho Law; and (7-1-99)

~~05.~~ **Completes Probationary Period.** Completes his probationary period; as required by Subsection 0957.01. (7-1-99)(3-7-02)T

~~04.~~ **Eligibility.** ~~An officer duly employed in a full time capacity by a law enforcement agency shall be eligible for the basic certificate. Officers duly employed in a part time capacity shall be eligible for the part time basic certificate.~~ (3-20-97)

**099. -- 105. (RESERVED).**

~~09~~**106. HIGHER CERTIFICATION.**

**01. General Provisions.** (7-1-93)

**a.** In addition to the requirements set forth above for the Basic Certificate, each applicant for the award of an Intermediate, ~~Supervisory,~~ or Advanced, ~~Master, Management, or Executive~~ Certificate shall have completed the designated education and training, combined with the prescribed law enforcement experience, ~~or shall hold the college degree designated, combined with the prescribed law enforcement experience.~~ (7-1-93)(3-7-02)T

~~b.~~ **b.** ~~Of the minimum college credits required, at least one-half (1/2) must be courses related to law enforcement.~~ (7-1-93)

~~eb.~~ **eb.** Education ~~and training must~~ shall be supported by copies of transcripts, certificates, diplomas, or

~~other verifying documents~~ degrees attached to the application. ~~(7-1-99)~~(3-7-02)T

**c.** Training not listed on the applicant's Idaho POST training record shall be supported by copies of certificates, course outlines, or other verifying documents attached to the application. ~~(3-7-02)T~~

**d.** The officer ~~must~~ shall have completed the probationary period required by their ~~department~~ agency when making application for Intermediate and Advanced Certifications. ~~(7-1-99)~~(3-7-02)T

**107. INTERMEDIATE CERTIFICATE.**

**021. ~~Intermediate Certificate~~ Requirements.** In addition to the requirements set forth in Section 0924 of these ~~Rules~~, the following are required for the award of an Intermediate Certificate: ~~(7-1-93)~~(3-7-02)T

**a.** The applicant shall possess, or be eligible to possess, a Basic Certificate. (7-1-99)

**b.** The applicant shall have acquired the following combinations of college credits and/or POST training hours, combined with the prescribed years of law enforcement experience, or the college degree designated from an accredited college or university, combined with the prescribed years of law enforcement experience, and have graduated from the POST Basic Patrol Academy:

<del>Total</del> POST Training Hours <del>Training</del> Including POST Basic <del>Course</del> Patrol Academy	600 hours	800 hours	1,200 hours	1,600 hours	1,800 hours	POST Basic <del>Course</del> Patrol Academy	
One College Credit Equals Twenty (20) <del>Classroom</del> POST Training Hours	The above <del>can either</del> <u>may</u> be a combination of College Credits <del>or</del> <u>and</u> POST Training Hours					Academic Associate Degree	<u>Academic</u> Baccalaureate Degree
Years of Law Enforcement Experience	8	7	6	5	4	4	2

~~(7-1-99)~~(3-7-02)T

**108. ADVANCED CERTIFICATE.**

**031. ~~Advanced Certificate~~ Requirements.** ~~(7-1-93)~~

~~a.~~ In addition to the requirements set forth in Section 0924 of these rules, the following are required for the award of ~~the an~~ Advanced Certificate: ~~(7-1-93)~~(3-7-02)T

~~i~~**a.** The applicant shall possess, or be eligible to possess, an Intermediate Certificate. (7-1-93)

~~i~~**b.** The applicant shall have acquired the following combination of college credits and POST training hours, combined with the prescribed years of law enforcement experience, or the college degree designated from an accredited college or university, combined with the prescribed years of law enforcement experience, and ~~a~~ have graduated from the POST Basic Patrol Academy. Graduation from the ten- (10) week Drug Enforcement Administration School in Washington, D.C.; the ten (10) week Northwestern University Traffic Institute School of Police Staff and Command; or the eleven (11) week FBI National Academy ~~with~~ shall be accepted in lieu of the fifteen (15) college credits required for the Advanced Certificate with thirteen (13) years experience.



<u>Minimum POST Training Hours Including POST Basic Course Patrol Academy</u>	500 hours	600 hours	700 hours	800 hours	900 hours	1,200 hours	<u>POST Basic Course Patrol Academy</u>		
College Credits	15	20	30	40	45	60	<u>A.A. A.S. Academic Associate Degree</u>	<u>B.A. B.S. Academic Baccalaureate Degree</u>	Masters Degree or PhD
Years of Law Enforcement Experience	13	12	11	10	9	8	<u>98</u>	6	4

(7-1-99)(3-7-02)T

**04. Other Law Enforcement Related Agencies.**

(7-1-93)

**a.** ~~After three (3) years, officers who have been certified and who have transferred from full-time peace officer duties to other law enforcement duties and agencies, may keep their certification active for two (2) additional years provided they attend at least twenty-four (24) hours of refresher courses per year up to and including the fifth year for a total of forty-eight (48) hours. The forty-eight (48) hour requirement could be attained by attending the Idaho Law Week at the Basic Academy.~~

(7-1-93)

**b.** ~~While an officer is employed in a position termed "other law enforcement related duties or agency," they may receive up to and including twenty percent (20%) experience time for each year in that position and the POST Council may accord up to fifty percent (50%) credit towards POST Certification for hours spent in accepted training while in that position.~~

(7-1-93)

~~097109. -- 10415.(RESERVED).~~

**10516. PROCEDURES CAREER-LEVEL CERTIFICATION.**

**01. Applications General Provisions.**

(3-7-02)T

**a.** ~~To be eligible for the award of a Supervisor, Master, or Management certificate, each applicant shall be a full-time peace officer, county detention officer, or communications specialist appointed by a duly constituted Idaho law enforcement agency or a professional member of the POST Council staff. To be eligible for the award of an Executive certificate, each applicant shall be a full-time peace officer appointed by a duly constituted Idaho law enforcement agency or a professional member of the POST Council staff.~~

(3-7-02)T

**b.** ~~All applications for an award of the Basic, Intermediate, Supervisory, Advanced, Master, Management, or Executive Certificates shall be completed by the officer/applicant on the POST Council prescribed form "Application for Certification" as provided by the POST Council.~~

(7-1-93)(3-7-02)T

**c.** ~~**Submission:** The Application for Certification form must shall be submitted by the officer/applicant to his/her department agency head who shall attach a recommendation review it for accuracy prior to signing it and forwarding the application it to the Council. Certificates will shall be issued to the department agency head for award to the applicant.~~

(7-1-93)(3-7-02)T

**d.** ~~Each applicant for the Master and Supervisor certificates shall meet the minimum standards for employment and basic training as provided in Sections 050 through 063 and 070 through 076. Each applicant for the Management and Executive certificates shall meet the minimum standards for employment as provided in Sections 050 through 063.~~

(3-7-02)T

~~03. Discharged. Whenever an officer is discharged from a department for cause, or resigns and is not eligible for rehire, or terminates employment, the department shall forward to the Council within thirty (30) days, this information and his/her full name and date of birth on a POST Council "Personnel Action" form. (7-1-93)~~

**10617. CAREER-LEVEL CERTIFICATION SUPERVISOR CERTIFICATE.**

~~01. Supervisory Certificate Requirements. For purposes herein, the term "first-level/line supervisory position" means a position above the operational level for which commensurate pay is authorized and which is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of non-supervisory employees personnel of an agency or who is subject to assignment of such responsibilities and most commonly holds the rank of sergeant. A candidate for the Supervisory Certificate shall: (7-1-99)(3-7-02)T~~

~~a. Possess the Intermediate Certificate, Level II Detention Officer Certification, or Level II Communications Specialist Classification Certificate. (7-1-99)(3-7-02)T~~

~~b. Have satisfactorily completed one hundred (100) hours of Council-approved POST-certified supervisory-level training, of which fifty (50) hours must shall have been completed within three (3) years prior to submitting an application for the Supervisory Certificate. (7-1-99)(3-7-02)T~~

~~c. Be presently employed in appointed to a first-line supervision or mid-management position within an Idaho law enforcement agency and shall have served satisfactorily in a supervisory that position for a minimum of one (1) year prior to application. Proof of position responsibilities shall be submitted to the POST Council in the form of a job description or other documentation from the hiring authority. (7-1-99)(3-7-02)T~~

**118. MASTER CERTIFICATE.**

~~021. Master Certificate Requirements. For purposes herein, the term "master law enforcement" position means that the incumbent possesses an Advanced POST certification, Level III Detention Officer Certification, or Level III Communications Specialist Classification, and has The Master Certificate is for individuals below the rank of sergeant who have consciously decided to focus career efforts on line functions such as patrol, investigations, detention/custody functions, or dispatch. An employee possessing this certification is considered a master level patrol/detention/dispatch employee with advanced and/or specialized training. Candidates for this certificate must be below the rank of sergeant. A candidate for this the Master Certificate shall: (7-1-99)(3-7-02)T~~

~~a. Possess the Advanced Certificate, Level III Detention Officer Certification, or Level III Communications Specialist Classification Certificate. (7-1-99)(3-7-02)T~~

~~b. Have satisfactorily completed one thousand five hundred (1,500) hours of POST-certified training. Academic college credits in law enforcement subjects may be converted to POST training hours at the rate of one (1) college credit equals twenty (20) POST training hours. (3-7-02)T~~

~~b.c. Have completed a minimum of fifteen (15) years of full-time law enforcement service in assignments which did not include full-time supervisory, management, or executive positions. (7-1-99)(3-7-02)T~~

~~e. Have accumulated and successfully completed one thousand five hundred (1,500) hours of Council-approved training. (Law enforcement academic credits may apply.) (7-1-99)~~

**119. MANAGEMENT CERTIFICATE.**

~~031. Management Certificate Requirements. For purposes herein, the term "middle-management position" means a position between a first-level/line supervisory position and an executive position and for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of supervisory employees personnel of an agency and/or command duties and most commonly is holds the rank of lieutenant or captain. A candidate for the Management Certificate shall: (7-1-99)(3-7-02)T~~

**a.** Possess peace officer certification, detention officer certification, or communications specialist certification from Idaho; certification from another state that has minimum peace officer standards; or a certificate of completion from a city, county, state, or federal law enforcement academy. The academy attended shall meet or exceed that state's minimum training standards. (3-7-02)T

**b.** Attend an approved course of study in Idaho law and pass the POST Idaho law exam. Subsection 119.01.b. applies only to an officer who is uncertified in Idaho. (3-7-02)T

**c.** Have satisfactorily completed one hundred (100) hours of POST-certified management-level training, of which fifty (50) hours shall have been completed within three (3) years prior to submitting an application for the Management Certificate. (3-7-02)T

~~**ad.** Occupy Be presently appointed to a middle-management, management, or executive position ~~on a full-time basis~~ wherein the predominance of responsibilities are administrative or managerial in nature, and shall have served satisfactorily in that position for a period of six (6) months. Proof of ~~this fact must~~ position responsibilities shall be submitted to the POST Council in the form of a job description or other documentation from the hiring authority.~~ (7-1-99)(3-7-02)T

~~**b.** Possess certification from Idaho or other state that has minimum peace officer standards, Detention Officer Certification, Communications Specialist Classification, or a certification of completion from a city, county, state, or federal law enforcement academy. The academy attended must meet or exceed that state's minimum training standards.~~ (7-1-99)

~~**e.** Attend and pass the Idaho POST Academy Law Week within the first year of employment. This section applies to an officer who is uncertified in Idaho and/or certified in another state. This requirement may be waived if applicant has served as a Chief of Police in the state of Idaho for over one (1) year before enactment of these rules.~~ (7-1-99)

~~**d.** Comply with Idaho POST Rules 050 through 056 inclusive.~~ (7-1-99)

~~**e.** Have completed one hundred (100) hours of Council-approved management-level training, of which fifty (50) hours must have been completed within three (3) years prior to submitting an application for the Management Certificate.~~ (7-1-99)

~~**f.** Be presently employed full time and shall have served satisfactorily in a middle management or management position for a period of six (6) months.~~ (7-1-99)

**g02.** **City Police Chiefs.** A newly appointed Chief of Police must obtain this level of certification within one (1) year of employment within the state of Idaho if qualified under Subsection 106.03.a. City police chiefs or administrators within state agencies having law enforcement powers, who, because of the number of full-time peace officers they supervise, have duties which are primarily administrative may satisfy the certification requirement of Section 19-5109(b), Idaho Code, by obtaining this certificate. All other city police chiefs or state agency administrators having law enforcement powers may be awarded this certificate upon meeting the requirements, but shall also complete the requirements necessary to obtain a Basic Certificate. (7-1-99)(3-7-02)T

## **120. EXECUTIVE CERTIFICATE.**

**041.** ~~**Executive Certificate Requirements.**~~ For purposes herein, the term "executive position" means the head of an agency and most commonly is the Chief of Police, Sheriff, Director, or Chief Executive Officer. A candidate for the Executive Certificate shall: (7-1-99)(3-7-02)T

**a.** Possess the Advanced Peace Officer Certificate or Management Certificate~~s~~ from Idaho or another state which has such certification meeting or exceeding Idaho standards. (7-1-99)(3-7-02)T

**b.** Have satisfactorily completed one hundred (100) hours of ~~Council-approved,~~ POST-certified executive-level training, of which fifty (50) hours ~~must~~ shall have been completed within three (3) years prior to

submitting an application for the Executive Certificate.

(7-1-99)(3-7-02)T

**c.** Be presently *employed full-time as a department head* appointed to an executive position, and shall have served *as a department head a minimum* satisfactorily in that position for a period of three (3) years *with one (1) law enforcement agency in Idaho.*

(7-1-99)(3-7-02)T

**d.** *Submit a resume of education and experience and have this resume and credentials reviewed by the POST Council. Should the POST Council determine that the qualifications are inadequate, then the applicant shall be provided with an opportunity to appeal the ruling.*

(7-1-99)

**121. -- 129. (RESERVED).**

**10730. LEVEL I RESERVE ~~LEVEL I~~ PEACE OFFICER CERTIFICATION REQUIREMENTS.**

Any peace officer as defined in Section 19-5101(d), Idaho Code, except any elected official, any deputy sheriff serving civil process, the superintendent of the Idaho State Police, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, shall be certified by the Peace Officer Standards and Training Council within one (1) year after first being appointed unless granted additional time to complete certification by the POST Council as set forth in Subsection 030.16.

(3-7-02)T

**131. GENERAL PROVISIONS.**

**01. Selection Standards.** *Same as full-time officer regarding citizenship, education, two (2) years work experience, no criminal record, hearing, vision, traffic, and character check. Height, weight, fitness, and physical disability will be left to the discretion of the employing agency.* **Eligibility.** To be eligible for the award of a Level I Reserve certificate or Level I Reserve Marine Deputy certificate, each applicant shall be a reserve peace officer appointed by a duly constituted Idaho law enforcement agency or a professional member of the POST Council staff.

(7-1-93)(3-7-02)T

**02. Minimum Standards.** Each applicant shall meet the minimum standards for employment as provided in Sections 050 through 063, with the exception of fitness which shall be left to the discretion of the appointing agency.

(3-7-02)T

**03. Applications.** All applications for award of the Level I Reserve certificate or Level I Reserve Marine Deputy certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council.

(3-7-02)T

**04. Submission.** The Application for Certification form shall be submitted by the applicant to his agency head who shall review it for accuracy prior to signing it and forwarding it to the Council. Certificates shall be issued to the agency head for award to the applicant.

(3-7-02)T

**05. Supervision.** All certified reserve peace officers shall be under supervision of a full-time peace officer. The term "supervision" is intended to limit the activities of a reserve peace officer. Each agency shall draft its individual agency policy in reference to the supervision of its certified reserve peace officers, and that policy shall be kept on file within each agency.

(3-7-02)T

**06. Limitation.** A reserve peace officer's certification shall be effective only during those periods when he is formally assigned by the appointing agency to perform the duties of a peace officer.

(3-7-02)T

**07. Retaining Certification.** A certified reserve peace officer shall work one hundred twenty (120) hours annually in a peace officer capacity to retain certification. Documentation of hours worked shall be kept on file at the appointing agency. Any reserve peace officer working less than one hundred twenty (120) hours annually shall complete all requirements as set forth in Sections 130 through 131 and either Sections 132 through 135 or 146 through 149 to be recertified.

(3-7-02)T

**08. Full-Time Peace Officer Status.** To be certified as a full-time peace officer, a reserve peace officer, upon appointment to full-time peace officer status, shall comply with the requirements in Sections 093 through 097.

(3-7-02)T

**132. LEVEL I RESERVE CERTIFICATION.**

In addition to the requirements set forth in Sections 130 and 131 of these rules, the following requirements in Sections 132 through 135 are necessary for award of the Level I Reserve certificate. (3-7-02)T

**133. MINIMUM TRAINING REQUIREMENTS.**

**021. ~~Minimum Training Requirements Level I Reserve Core Curriculum.~~** ~~Any reserve officers desiring POST Level I Reserve certification must shall successfully complete and pass the POST Council-approved Level I Reserve Academy core curriculum consisting of one hundred sixty (160) hours within the first year of employment as a reserve officer of training. Part of the one hundred sixty (160) hour core curriculum may be taught by uncertified instructors provided the high liability classes as identified by POST are taught by POST-certified instructors and the trainees pass a final examination approved and administered by POST, and they must be under supervision of a full-time peace officer.~~ (3-20-97)(3-7-02)T

~~a. The term supervision is intended to limit the activities of a reserve officer. Each agency should draft its individual department policy in reference to the supervision of its certified reserve officers, and that policy should be kept on file within each department.~~ (3-20-97)

~~b. At the completion of the one hundred sixty (160) hour core curriculum, the reserve officer will be given two (2) opportunities to pass the final exam with a seventy-five percent (75%) or better to become certified. The second test can be taken not less than thirty (30) days nor more than six (6) months after the first exam. If the reserve officer fails the second attempt also, he/she must complete the Reserve Academy again.~~ (7-1-93)

~~c. Documented reserve training will be accepted for credit upon the department head's certification that the reserve officer has met the minimum one hundred sixty (160) hour core curriculum. The reserve officer must pass an exam administered by POST. The applicant shall be allowed two (2) attempts to pass the exam. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. A passing score is seventy-five percent (75%).~~ (3-20-97)

~~d. A reserve officer's certification is effective only during those periods when he/she is formally assigned by the employing agency to perform the duties of a peace officer. Each reserve officer must work one hundred twenty (120) hours annually in a law enforcement capacity to retain their certification. Said documentation must be retained by said department.~~ (3-20-97)

~~e. Reserve status notwithstanding, all reserve officers must comply with all POST Rules to be certified as full-time peace officers.~~ (3-20-97)

~~f. A certified peace officer who has been out of full-time law enforcement status for three (3) years may apply for Level I Reserve Certification without testing provided he/she makes application prior to the three (3) year expiration date since employed full-time, and is endorsed by a department head. A certified peace officer who has been out over three (3) years and wants to be a Level I Reserve must pass the Reserve Certification Exam and meet the other requirements set forth in these rules. A peace officer certified in another state who desires to be a Level I Reserve must provide proof of certification, pass a basic course in Idaho Law authorized by the POST Academy, fill out all necessary paperwork, and pass the Reserve Certification Exam. A certified peace officer who has been out of full-time law enforcement status for a period exceeding three (3) years must complete the Minimum Training Requirements listed in Subsection 107.02.~~ (7-1-99)

**032. Curriculum for Reserve Level I Certification.**

\* -- Must Shall be taught by a Prosecutor.

\*\* -- Must Shall be taught by a Judge.

\*\*\* -- Must Shall be taught by a POST-certified Instructor.

\*\*\*\* -- Shall be taught by a Judge and/or a Prosecutor.

<u>Law Course</u>	Hours
<b><u>Law</u></b>	
* 1. Probable Cause and Laws of Arrest	4
* 2. Constitutional Laws <del>and Interviewing</del>	<del>21</del>
* 3. Search and Seizure Laws	6
* 4. Warrantless Arrest	1
* 5. Laws of Evidence	1
* 6. Criminal Law Procedure	2
* 7. Civil Laws <del>and Laws of Arrest</del>	2
* 8. Motor Vehicle Laws	4
* 9. Liquor Laws	1
	<del>232</del>
<b>Professional Orientation</b>	
1. Ethics, Public Relations and the Role in the Community	2
2. Officer-Violator Relations	2
	<b>4</b>
<b>Police Procedures</b>	
1. Radio Procedures	2
2. Jail Procedures, Booking, and Fingerprinting	2
3. Reporting <del>ing</del> Writing and Note-Taking	8
*** 4. Court <del>R</del> oom Testimony	2
*** 5. Searching Suspects and Handling <del>of</del> Prisoners	3
6. Building Search	5
*** 7. Emergency Vehicle Operation	8
	<b>30</b>
<b>Patrol Procedures</b>	
1. Introduction to Modern Law Enforcement	1
2. <del>Family Disturbances</del> Domestic Disputes	2
3. Crimes Against Persons	2
4. Crimes Against Property	2
*** 5. <del>Traffic High &amp; Low Risk Stops, Routine and Felony,</del> <del>Classroom</del>	4
	<b>11</b>
<b>Practical Problems</b>	

<u>Law Course</u>	Hours
1. Mock Crime Scenes	2
*** 2. <u>High &amp; Low Risk Traffic Stops, <del>Routine and Felony, Field</del></u>	8
	<b>10</b>
<b>Investigations</b>	
*** 1. <u>DUI Investigation</u>	6
2. Auto <del>Theft</del> , <u>and R.V. Theft</u>	1
3. <u>Intro to Accident Investigation Module I</u>	8
4. Preservation of Evidence	2
5. Narcotics	4
6. Juvenile Procedures	2
7. <u>Interview &amp; Interrogation</u>	1
<del>8.</del> <u>Death, Burglary, and Robbery Investigation</u>	2
	<b>266</b>
<b>Enforcement Skills</b>	
*** 1. Hazardous Materials	4
*** 2. Weapon Retention	6
*** 3. <del>Defensive Tactics</del> <u>Arrest Techniques</u>	8
	<b>18</b>
<b>Firearms Proficiency</b>	
*** 1. Firearms Training, Classroom	6
*** 2. Firearms Training, Range	18
*** 3. Firearms Qualification	8
*** 4. Use of Deadly Force, Legal Aspects	2
	<b>34</b>
<b>Administrative Matters</b>	
1. Registration, Explanation of Schedule	1
2. Written Exam, Course Evaluation <del>s</del>	4
	<b>5</b>
<b><del>Total Number of POST-Certified Instructor Class Hours</del></b>	<b>97</b>
<b>Total Number of Training Hours</b>	<b>160</b>
<b>Optional Classes</b>	
*** 1. <del>PR-24</del> <u>Side-Handle Baton Training &amp; Certification</u>	12
*** 2. <del>Intoximeter</del> <u>Intoxilyzer 35000 Training &amp; Certification</u>	8
3. Boating Laws	1

<u>Law Course</u>	<u>Hours</u>
4. Boat Theft	1
5. Crime Scene Sketching	1.5
6. Use of Informants	2
7. Crime Prevention	2
<b>Total Number of Optional Training Hours</b>	<b>27.5</b>

~~(7-1-99)~~(3-7-02)T

**03. Documentation Of Completed Training.** The Council shall accept written certification from the agency head as proof that a reserve officer has satisfactorily completed the required one hundred sixty (160) hour core curriculum. However, no officer shall be awarded training hours on his POST training record for any training completed which has not been certified by the Council as set out in Sections 281 through 287. (3-7-02)T

**134. LEVEL I RESERVE CERTIFICATION PACKET.**

Prior to taking the Level I Reserve certification examination, each applicant shall submit a completed POST Level I Reserve Certification Packet to POST Council. (3-7-02)T

**135. LEVEL I RESERVE CERTIFICATION EXAMINATION.**

Upon completion of the one hundred sixty (160) hour core curriculum, the reserve officer shall be allowed two (2) attempts to pass the POST Level I Reserve certification examination with a minimum score of seventy-five percent (75%). The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts or fails to retake the examination within six (6) months, he shall complete the entire POST Level I Reserve core curriculum again prior to retesting. (3-7-02)T

**136. CHALLENGING THE LEVEL I RESERVE CORE CURRICULUM.**

**01. Certified In Idaho.** A reserve peace officer who has within the last three (3) years served as a full-time certified Idaho peace officer shall be eligible for Level I Reserve certification without attending the Level I Reserve core curriculum, submitting a completed Level I Reserve Certification Packet, or passing the Level I Reserve certification examination provided he submits a completed Application for Certification form. (3-7-02)T

**02. Certified In Another State, Commissioned By The Federal Government, Or A Graduate Of A Basic Police Academy.** A reserve peace officer who has within the last three (3) years served as a full-time certified peace officer in another state or as a full-time commissioned peace officer of the federal government or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy within the last three (3) years shall be eligible for Level I Reserve certification in the state of Idaho without attending the Level I Reserve core curriculum, provided he: (3-7-02)T

**a.** Submits a completed POST Level I Reserve Certification Packet to POST Council, which shall include copies of POST certifications and training records from other states, transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (3-7-02)T

**b.** Attends an approved course of study in Idaho law and passes the POST Idaho law exam; and (3-7-02)T

**c.** Passes the POST Level I Reserve certification examination conducted in the manner set forth in Section 135. (3-7-02)T

**03. Out Over Three Years.** A reserve peace officer who has been out of full-time law enforcement for over three (3) years shall complete all requirements as set forth in Sections 130 through 135 to be awarded a Level I Reserve certification. (3-7-02)T



**~~108. NON-CERTIFIED RESERVES.~~**

~~01. **Minimum.** Below are the minimum guidelines for Level II and III non-certified reserves. Departments are in no way limited to these total hours of training; these are merely suggestions and the Council would encourage all agencies to get maximum training hours for Level II. When an officer has completed the minimum hours, POST will issue a Course Completion Certificate. (7-1-93)~~

~~02. **Non-Certified Level II Reserve Officer Training.** (7-1-93)~~

~~a. **Deployment.** Works under the direction of a certified full-time peace officer. (7-1-93)~~

~~b. **Minimum Training Requirements.**~~

<b>Minimum Training Requirements</b>	
i. <del>Qualify on firearms on a POST-approved course</del>	
ii. <del>Public &amp; Community Relations</del>	<del>2</del>
iii. <del>Report Writing, Notebook &amp; Note Taking</del>	<del>4</del>
iv. <del>Laws of Arrest/Search &amp; Seizure</del>	<del>8</del>
v. <del>Courtroom Demeanor</del>	<del>2</del>
vi. <del>Use of Deadly Force &amp; Firearms</del>	<del>6</del>
vii. <del>Narcotics Identification</del>	<del>2</del>
viii. <del>Jail Procedures</del>	<del>1</del>
<b>Total</b>	<b>25</b>

(7-1-93)

~~e. **Selection Requirements.** (7-1-93)~~

~~i. **Discretion of Department Head.** (7-1-93)~~

~~03. **Non-Certified Level III Reserve Officer Training.** (7-1-93)~~

~~a. **Deployment.** Limited to temporary extraordinary situations that do not require general law enforcement powers, e.g., jeep posse, mounted posse, parades, etc. (7-1-93)~~

~~b. **Selection Requirements.** Discretion of Department Head. (7-1-93)~~

**~~137. -- 145. (RESERVED).~~**

**~~10946. CERTIFIED LEVEL I RESERVE MARINE DEPUTY CERTIFICATION.~~**

~~01. **Reserve Marine Deputy Authority.** There is hereby created a category of reserve officers known as "Reserve Marine Deputy". Reserve Marine Deputies may be appointed by the sheriff of a county for the purpose of enforcing: the provisions of Title 67, Chapter 70, Idaho Code, and city and county ordinances pertaining to watercraft and waterways. (7-1-93)(3-7-02)T~~

~~a. **The provisions of Title 67, Chapter 70, Idaho Code:** (3-7-02)T~~

~~b. **The provisions of IDAPA 26, Title 01, Chapter 30, Administrative Rules of the Idaho Department of Parks and Recreation:** (3-7-02)T~~

**c.** City and county ordinances pertaining to watercraft and waterways; and (3-7-02)T

**d.** Sections 18-705, 67-7505, and 67-7506, Idaho Code. (6-11-02)T

**02. ~~Certification.~~ Reserve Marine Deputies shall be eligible for certification upon completion of the following training: Requirements.** In addition to the requirements set forth in Sections 130 and 131 of these rules, the requirements in Sections 147 through 149 are necessary for award of the Level I Reserve Marine Deputy certificate. (7-1-93)(3-7-02)T

**a.** At least eighty (80) hours of instruction in Boating Law and Boat Handling from a POST certified marine deputy instructor; and (7-1-93)

**b.** At least forty (40) hours of instruction in general criminal law, twenty (20) hours of instruction in handling of firearms, and twenty (20) hours of on the job training. This training must be obtained either from qualified individuals in the Reserve Marine Deputy's own department or from a POST certified instructor. (7-1-93)

**03. ~~Curricula.~~ The curricula for these courses shall be established by the POST Council. Any person with two (2) or more years of marine deputy experience obtained prior to the effective date of these rules may be certified without taking the Boating Law and Boat Handling Course upon demonstrating expertise in the areas covered by that course to the satisfaction of a POST certified instructor.** (7-1-93)

**04. ~~Selection Standards.~~ Same as full-time officer regarding citizenship, education, no criminal record, hearing, vision, traffic, and character check. Height, weight, fitness, and physical disability will be left to the discretion of the employing agency.** (7-1-93)

**147. MINIMUM TRAINING REQUIREMENTS.**

**01. Level I Reserve Marine Deputy Core Curriculum.** Any reserve marine deputy desiring Level I Reserve Marine Deputy certification shall successfully complete the POST Council-approved Level I Reserve Marine Deputy core curriculum consisting of one hundred sixty (160) hours of training. Part of the one hundred sixty (160) hour core curriculum may be taught by uncertified instructors provided the high liability classes as identified by POST are taught by POST-certified instructors. (6-11-02)T

**02. Curriculum.**

\* -- Shall be taught by a Prosecutor.

\*\* -- Shall be taught by a Judge.

\*\*\* -- Shall be taught by a POST-certified Instructor.

	<b>Course</b>	<b>Hours</b>
	<b><u>Basic Session</u></b>	
*** 1.	<u>Introduction to Marine Enforcement Patrol, Education, &amp; Search and Rescue</u>	<u>2</u>
*** 2.	<u>Required Safety Equipment</u>	<u>6</u>
*** 3.	<u>Operational Laws</u>	<u>6</u>
*** 4.	<u>Boat &amp; Trailer Operations</u>	<u>8</u>
*** 5.	<u>Accident Reporting, Inspections, Search &amp; Rescue, Other</u>	<u>18</u>
		<b><u>40</u></b>
	<b><u>Advanced Session</u></b>	
*** 1.	<u>Marine DUI</u>	<u>16</u>

	<u>Course</u>	<u>Hours</u>
<u>*** 2.</u>	<u>Boat Theft, Trailer Theft, Marine Equipment</u>	<u>8</u>
<u>*** 3.</u>	<u>Marine Accident Investigation</u>	<u>8</u>
<u>*** 4.</u>	<u>Boat Operation, Inspection, &amp; Scenarios</u>	<u>8</u>
		<b><u>40</u></b>
	<b><u>General Law</u></b>	
<u>* 1.</u>	<u>Search &amp; Seizure Laws</u>	<u>10</u>
<u>* 2.</u>	<u>Laws of Arrest</u>	<u>6</u>
<u>* 3.</u>	<u>Rules of Evidence</u>	<u>4</u>
		<b><u>20</u></b>
	<b><u>Arrest Techniques &amp; Officer Safety Skills</u></b>	
<u>*** 1.</u>	<u>Arrest Techniques &amp; Handcuffing</u>	<u>12</u>
<u>*** 2.</u>	<u>Handgun Retention &amp; Disarming</u>	<u>8</u>
		<b><u>20</u></b>
	<b><u>Firearms Proficiency</u></b>	
<u>*** 1.</u>	<u>Firearms Training, Classroom</u>	<u>4</u>
<u>*** 2.</u>	<u>Firearms Training, Range</u>	<u>12</u>
<u>*** 3.</u>	<u>Firearms Qualification</u>	<u>2</u>
<u>*** 4.</u>	<u>Use of Deadly Force, Legal Aspects</u>	<u>2</u>
		<b><u>20</u></b>
	<b><u>On-the-Job Training</u></b>	
<u>1.</u>	<u>On-the-Job Training</u>	<u>20</u>
		<b><u>20</u></b>
	<b><u>Total Number of Training Hours</u></b>	<b><u>160</u></b>
	<b><u>Optional Classes</u></b>	
<u>*** 1.</u>	<u>Reactive Impact Weapons Training &amp; Certification</u>	<u>12</u>
<u>*** 2.</u>	<u>Intoxilyzer 5000 or Alco Sensor Training &amp; Certification</u>	<u>8</u>
<u>*** 3.</u>	<u>Personal Watercraft Patrol &amp; Rescue Techniques</u>	<u>24</u>
<u>4.</u>	<u>Radio Procedures</u>	<u>2</u>
<u>5.</u>	<u>Booking &amp; Jail Procedures</u>	<u>4</u>
<u>*** 6.</u>	<u>Marine Officer Survival Tactics</u>	<u>24</u>
<u>7.</u>	<u>Verbal Judo</u>	<u>8</u>
<u>8.</u>	<u>Report Writing</u>	<u>4</u>
<u>*** 9.</u>	<u>Use of Aerosol Weapons (OC)</u>	<u>4</u>
	<b><u>Total Number of Optional Training Hours</u></b>	<b><u>90</u></b>

(6-11-02)T

**03. Documentation Of Completed Training.** The Council shall accept written certification from the agency head as proof that a reserve marine deputy has satisfactorily completed the required twenty (20) hours of Firearms Proficiency training and twenty (20) hours of On-the-Job training. However, no officer shall be awarded training hours on his POST training record for any training completed which has not been certified by the Council as set out in Sections 281 through 287. (6-11-02)T

**148. LEVEL I RESERVE MARINE DEPUTY CERTIFICATION PACKET.**

Prior to taking the Level I Reserve Marine Deputy certification examination, each applicant shall submit a completed POST Level I Reserve Marine Deputy Certification Packet to POST Council. (3-7-02)T

**149. LEVEL I RESERVE MARINE DEPUTY CERTIFICATION EXAMINATION.**

Upon completion of the one hundred sixty (160) hour core curriculum, the reserve marine deputy shall be allowed two (2) attempts to pass the POST Level I Reserve Marine Deputy certification examination with a minimum score of seventy-five percent (75%). The attempts shall be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts or fails to retake the examination within six (6) months, he shall complete the entire POST Level I Reserve Marine Deputy core curriculum again prior to retesting. (3-7-02)T

**150. CHALLENGING THE LEVEL I RESERVE MARINE DEPUTY CORE CURRICULUM.**

**01. Certified in Idaho.** A reserve marine deputy who has within the last three (3) years served as a full-time certified Idaho peace officer shall be eligible for Level I Reserve Marine Deputy certification without attending the Level I Reserve Marine Deputy core curriculum or submitting a completed Level I Reserve Marine Deputy Certification Packet provided he passes the Level I Reserve Marine Deputy certification examination and submits a completed Application for Certification form. (3-7-02)T

**02. Certified In Another State, Commissioned By The Federal Government, Or A Graduate Of A Basic Police Academy.** A reserve marine deputy who has within the last three (3) years served as a full-time certified peace officer in another state or as a full-time commissioned peace officer of the federal government or a student who has satisfactorily completed a Basic Police Academy equivalent to the Idaho POST Basic Patrol Academy within the last three (3) years shall be eligible for Level I Reserve Marine Deputy certification in the state of Idaho without attending the Level I Reserve Marine Deputy core curriculum, provided he: (3-7-02)T

**a.** Submits a completed POST Level I Reserve Marine Deputy Certification Packet to POST Council, that shall include copies of POST certifications and training records from other states, transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience; (3-7-02)T

**b.** Attends an approved course of study in Idaho law and passes the POST Idaho law exam; and (3-7-02)T

**c.** Passes the POST Level I Reserve Marine Deputy certification examination conducted in the manner set forth in Section 149. (3-7-02)T

**03. Out Over Three Years.** A reserve marine deputy who has been out of full-time law enforcement for over three (3) years shall complete all requirements as set forth in Sections 130 and 131 and 146 through 149 to be awarded a Level I Reserve Marine Deputy certification. (3-7-02)T

**151. -- 160. (RESERVED).**

**161. NON-CERTIFIED RESERVE OFFICERS.**

**162. GENERAL PROVISIONS.**

**01. Voluntary.** The requirements in Sections 161 through 166 for Level II and Level III non-certified reserve officers are not statutorily mandated, but are voluntary. Additional instruction beyond the minimum requirements is encouraged. (3-7-02)T

**02. Appointment.** Appointment of applicants shall be left to the discretion of the appointing agency. (3-7-02)T

**163. LEVEL II RESERVE OFFICER.**  
A Level II reserve officer shall work under the direction of a full-time certified peace officer. (3-7-02)T

**164. CERTIFICATE OF COMPLETION.**

**01. Eligibility.** To be eligible for the award of a certificate of completion from the POST Council, each applicant shall be a professional member of the POST Council staff, or a reserve officer appointed by a duly constituted Idaho law enforcement agency, and shall have completed the requirements in Sections 161 through 165. (3-7-02)T

**02. Applications.** All applications for the award of a certificate of completion shall be completed on the prescribed form "Application for Level II Reserve Officer Certificate of Completion" as provided by the POST Council. (3-7-02)T

**03. Issuance.** Certificates of completion shall be issued to the agency head for award to the applicant. (3-7-02)T

**165. MINIMUM TRAINING REQUIREMENTS.**

**01. Training Courses.**

	<b>Course</b>	<b>Hours</b>
1.	Public & Community Relations	2
2.	Report Writing, Notebook, & Notetaking	4
3.	Laws of Arrest/Search & Seizure	8
4.	Courtroom Demeanor	2
5.	Use of Deadly Force & Firearms	6
6.	Narcotics Identification	2
7.	Jail Procedures	1
	Total Number of Training Hours	25

(3-7-02)T

**02. Firearms Qualification.** Each reserve officer shall qualify with his firearm on the POST Short Course. (3-7-02)T

**166. LEVEL III RESERVE OFFICER.**  
A Level III reserve officer shall be limited to working temporary extraordinary situations that do not require general law enforcement powers such as jeep posse, mounted posse, parades, etc. (3-7-02)T

**167. -- 170. (RESERVED).**

**1471. LAPSE OF DETENTION OFFICER CERTIFICATION.**

**01. Certification, Awards, And Decertification.** ~~Certificates and awards may be presented to county detention officers in the same manner as provided in Subsections 091.01 and 091.02. The council may decertify any county detention officer in the same manner as provided in Subsection 091.02.a.~~ (7-1-99)

~~02.~~ **~~Lapsed Certificate.~~** The certification of any county detention officer shall be considered lapsed if the officer does not serve as a county detention officer in Idaho for three (3) consecutive years. Provided, however, that those persons once POST certified as county detention officers who remain in active law enforcement in Idaho shall retain their POST certification for purposes of compliance with this rule. The person ~~must shall~~ work at least one hundred twenty (120) hours active law enforcement per year. This shall include administrative, patrol, or civil division duty assignments in law enforcement agencies as defined in Section 19-5101(d), Idaho Code. Provided further that those persons once POST certified as county detention officers in Idaho who remain in full-time, active law enforcement outside the state of Idaho, without a break in full-time law enforcement, and who ~~successfully complete attend an approved course of study in Idaho POST Academy detention "Legal Issues of Detention" training or POST-approved equivalent~~ and pass the POST Idaho detention legal issues exam may petition the Executive Director for recertification. The Executive Director shall have the discretion to grant or deny the petition or ~~(7-1-99)(3-7-02)T~~

~~031.~~ **~~Recertification – Out Of Full-Time Law Enforcement Three To Five Years.~~** A county detention officer who has been out of full-time law enforcement status from three (3) to five (5) years and who wants to be recertified ~~must shall~~ meet the following POST requirements: ~~(7-1-99)(3-7-02)T~~

~~a.~~ Submit a POST Certification Detention Challenge Packet; ~~(3-7-02)T~~

~~ab.~~ Attend an approved course of study in Idaho POST Academy detention "Legal Issues of Detention" training or POST-approved equivalent and pass the POST Idaho detention legal issues exam; ~~and~~ ~~(7-1-99)(3-7-02)T~~

~~bc.~~ Pass the ~~POST detention certification examination; and~~ following tests administered by a POST Training Specialist; ~~(7-1-99)(3-7-02)T~~

~~i.~~ The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.b.; ~~(3-7-02)T~~

~~ii.~~ The POST Firearms Qualification Course; ~~(3-7-02)T~~

~~iii.~~ The POST Physical Fitness Test Battery; and ~~(3-7-02)T~~

~~ed.~~ Satisfy the probationary period requirement of Section 062. ~~(7-1-99)~~

~~042.~~ **~~Recertification – Out Of Full-Time Law Enforcement Over Five Years.~~** A county detention officer who has been out of full-time law enforcement status for over five (5) years ~~must shall~~ attend the POST Basic Detention Academy to be recertified. The Council may waive this requirement on a showing of good cause by the officer supported by clear and convincing evidence that during a substantial part of the ~~preceding five (5) years time out of full-time law enforcement~~, the officer was engaged in an occupation requiring law enforcement training, skill, and experience. This evidence shall be submitted with a POST Certification Detention Challenge Packet. Upon receiving a waiver, the officer ~~must shall~~ meet the following POST requirements: ~~(7-1-99)(3-7-02)T~~

~~a.~~ Attend an approved course of study in Idaho POST Academy detention "Legal Issues of Detention" training or POST-approved equivalent and pass the POST Idaho detention legal issues exam; ~~and~~ ~~(7-1-99)(3-7-02)T~~

~~b.~~ Attend and pass Idaho POST-certified courses in Arrest Techniques, Handgun Retention, and Practical Problems; ~~(3-7-02)T~~

~~bc.~~ Pass the ~~POST detention certification examination; and~~ following tests administered by a POST Training Specialist; ~~(7-1-99)(3-7-02)T~~

~~i.~~ The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.b.; ~~(3-7-02)T~~

~~ii.~~ The POST Firearms Qualification Course; and ~~(3-7-02)T~~

- iii. The POST Physical Fitness Test Battery. (3-7-02)T
- ed. Satisfy the probationary period requirement of Section 062. (7-1-99)

~~053. **Recertification – Out Of Full-Time Law Enforcement Over Eight Years.** A county detention officer who has been out of full-time law enforcement status for over eight (8) years ~~must~~ shall attend the POST Basic Detention Academy to be recertified. No waiver of this requirement shall be granted by the Council.~~ (7-1-99)(3-7-02)T

~~06. **Forms.** Level I, Level II, and Level III Detention Officer Certificates are established for the purpose of fostering professionalism, education, and experience necessary to perform adequately the duties of law enforcement.~~ (7-1-99)

**172. DETENTION OFFICER CERTIFICATION.**

Any county detention officer as defined in Section 19-5101(b), Idaho Code, shall be certified by the Peace Officer Standards and Training Council within one (1) year after first being appointed unless granted additional time to complete certification by the POST Council as set forth in Subsection 030.16. (3-7-02)T

~~173.~~ **GENERAL PROVISIONS.**

~~01. **Certification.** From and after July 1, 1997, any county detention officer, as defined in Section 19-5101(b), Idaho Code, shall be certified by the Peace Officer Standards and Training Council within one (1) year after first being employed. Current county detention officers, who were employed prior to July 1, 1997, shall comply with the training and certification provisions of this section by July 1, 1999; however, the requirement for successful completion of the POST Basic Detention Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on an examination administered by POST. The officer will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts, he/she must successfully complete the POST Basic Detention Academy to be certified. Detention Officers who currently possess or qualify to possess a Level I, Level II, or Level III classification will convert from classified to certified status according to POST administrative procedures for certifying officers. County Detention Officers who have successfully completed a Detention/Corrections academy prior to July 1, 1997 and who meet all other criteria may be eligible for certification status depending upon verifiable and accurate documentation of such training. This option will close July 1, 1999. **Purpose.** Level I, Level II, and Level III Certificates are established for the purpose of fostering professionalism, education, and experience necessary to perform adequately the duties of a detention officer.~~ (7-1-99)(3-7-02)T

~~02. **Employed Eligibility.** To be eligible for the award of a Level I, Level II, or Level III certificate, each applicant ~~must~~ shall be a full-time county detention officer ~~employed~~ appointed by a duly constituted Idaho law enforcement agency, a full-time peace officer who has graduated from the Patrol-to-Detention Transition Academy and is currently appointed by a duly constituted Idaho law enforcement agency, or a professional member of the POST Council staff.~~ (7-1-99)(3-7-02)T

~~03. **Applications.** All applications for award of the Level I, Level II, or Level III ~~Detention Officer~~ Certificates shall be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council.~~ (7-1-99)(3-7-02)T

~~04. **Submission.** The Application for Certification form ~~must~~ shall be submitted by the ~~officer/~~ applicant to his/her department agency head; who shall ~~attach a recommendation~~ review it for accuracy prior to signing it and forwarding the application it to the Council. Certificates ~~will~~ shall be issued to the department agency head for award to the applicant.~~ (7-1-99)(3-7-02)T

~~05. **Minimum Standards.** Each applicant ~~must~~ shall meet the minimum standards for employment and basic training as provided in these rules with the exception of height, weight, fitness, and physical disability which will be left to the discretion of the employing agency Sections 050 through 063, 070 through 074, 077 and 078.~~ (7-1-99)(3-7-02)T

~~06. Discharged. Whenever an officer is discharged from a department for cause, or resigns and is not eligible for rehire, or terminates employment, the department shall forward to the Council within thirty (30) days, this information and his/her full name and date of birth on a POST Council "Personnel Action" form. **Conversion.** Any county detention officer who currently possesses a Level I, Level II, or Level III detention officer classification shall convert from classified to certified status.~~ (7-1-99)(3-7-02)T

~~14274.~~ **LAW ENFORCEMENT EXPERIENCE.**

Law enforcement experience, as used herein, means actual time served as a peace officer, ~~or~~ county detention officer, ~~or communications specialist~~ with a duly constituted law enforcement agency. The acceptability of time served as a ~~law enforcement peace officer, county detention officer, or communications specialist~~ in a jurisdiction other than the state of Idaho, or in a jurisdiction which does not comply with the minimum standards for employment as set forth in Sections 050 through ~~Section 063 of this manual~~, shall be subject to the determination of the Council. (7-1-99)(3-7-02)T

~~14375.~~ **EDUCATION AND TRAINING COLLEGE CREDITS.**

~~Education-~~

(7-1-99)

**01. College Hour.** One (1) college or university semester hour or unit shall equal one (1) college credit. (7-1-99)

**02. College Quarter Hour.** One (1) college or university quarter hour or unit shall equal two-thirds (2/3) of one (1) college credit. (7-1-99)

~~a. Basic, advanced, and specialized courses certified by the Council will be approved.~~ (7-1-99)

**03. Conversion To POST Training Hours.** College credits may be converted to POST training hours at the rate of one (1) college credit equals twenty (20) POST training hours. (3-7-02)T

~~b04. Credits For POST-Approved Training.~~ When college credit is awarded or purchased for ~~law enforcement-related subjects~~ POST-approved training, it may be counted for either POST training hours or college credit, whichever is to the advantage of the applicant, subject to the limitation set forth in Subsection 175.05. (7-1-99)(3-7-02)T

**05. Limitation On Credits For POST-Approved Training.** Of the required amount of college credits needed for higher levels of certification, no more than one-half (1/2) shall be from credits awarded or purchased from any college or university for attending POST-approved training. (3-7-02)T

~~14476.~~ **THE LEVEL I CERTIFICATE.**

In addition to the requirements set forth in Section ~~14273~~ of these Rules, the ~~following~~ requirements in Section 176 are necessary for award of the Level I Certificate. (7-1-99)(3-7-02)T

**01. Probation.** The applicant ~~must~~ shall have satisfactorily completed at least a six (6) months ~~satisfactory~~ probationary period, which (may include basic ~~training~~ detention academy time). ~~The~~ Probationary period may be extended by the appointing agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time ~~must~~ shall be continuous with the ~~department~~ agency the officer is ~~employed with~~ appointed to when applying for certification. ~~The~~ Probationary period ~~may~~ shall not extend over one (1) year for certification purposes. (7-1-99)(3-7-02)T

**02. Basic Training.** The applicant shall have satisfactorily completed; (3-7-02)T

~~a.~~ ~~The~~ POST Basic Detention Academy ~~or~~ as required by the Council in Section 071. (3-7-02)T

~~b.~~ The POST Patrol-to-Detention Transition Academy; or (3-7-02)T

~~c.~~ Be a graduate of a law enforcement vo-tech program, the curriculum of which has been ~~approved~~ certified by the Council as being equivalent to the POST Basic Detention Academy, and shall have passed the POST detention certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass



the examination. The attempts ~~must~~ shall be no less than thirty (30) days apart and no more than six (6) months apart. If an officer fails both attempts ~~or fails to retake the examination within six (6) months, he/she must~~ shall successfully complete the POST Basic Detention Academy to be certified. (7-1-99)(3-7-02)T

**03. Jail Training.** The applicant shall have satisfactorily completed forty (40) hours of POST-approved jail training. (3-7-02)T

**04. Vo-Tech Program Graduates.** Graduates from Idaho POST-certified law enforcement vo-tech programs shall also comply with the requirements of Subsection 073.02. (3-7-02)T

**177. CHALLENGING THE BASIC DETENTION ACADEMY.**

~~03. Employed.~~ Any county detention officer presently ~~employed~~ appointed by a duly constituted Idaho law enforcement agency who ~~has~~, within the last five (5) years, ~~has~~ been ~~employed~~ certified or commissioned by another state or the federal government as a detention officer or a student who has satisfactorily completed a Basic Detention Academy equivalent to the Idaho's POST Basic Detention ~~Training Academy~~ within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Detention Academy, provided the officer: (7-1-99)(3-7-02)T

~~01. Submission Of Challenge Packet.~~ Submits a POST ~~Detention~~ Certification ~~Detention~~ Challenge Packet to POST Council, which ~~must~~ shall include copies of POST training records from other states to substantiate the officer's training; and transcripts, certificates, diplomas, or other documents that substantiate the officer's ~~training education~~ and experience; (7-1-99)(3-7-02)T

**02. Attends And Passes Legal Course.** Attends an approved course of study in Idaho detention legal issues and passes the POST Idaho detention legal issues exam; (3-7-02)T

**03. Attends And Passes POST-Certified Courses.** Attends and passes Idaho POST-certified courses in Arrest Techniques, Handgun Retention, and Practical Problems; (3-7-02)T

~~04. Passes Required Tests.~~ Passes the ~~POST detention certification examination approved by the Council and following tests~~ administered by a POST Training Specialist, ~~conducted in the manner set forth in Subsection 115.02.;~~ (7-1-99)(3-7-02)T

**a.** The POST detention certification examination approved by the Council, conducted in the manner set forth in Subsection 176.02.b.; (3-7-02)T

**b.** The POST Firearms Qualification Course; and (3-7-02)T

**c.** ~~Attends and passes the Idaho POST Academy "Legal Issues of Detention" training or POST-approved equivalent;~~ and The POST Physical Fitness Test Battery. (7-1-99)(3-7-02)T

~~05. Completes Probationary Period.~~ Completes his/~~her~~ probationary period; as required by Subsection ~~145~~76.01. (7-1-99)(3-7-02)T

**178. -- 185. (RESERVED).**

~~145~~**86. HIGHER CERTIFICATION.**

**01. General Provisions.** (7-1-93)

**a.** In addition to the requirements set forth above for the Level I Certificate, each applicant for the award of a Level II or Level III Certificate shall have completed the designated education and training, combined with the prescribed law enforcement experience, ~~or shall hold the college degree designated, combined with the prescribed law enforcement experience.~~ (7-1-99)(3-7-02)T

**b.** ~~Of the minimum college credits required, at least one-half (1/2) must be courses related to law enforcement.~~ (7-1-99)

**eb.** Education ~~and training must shall~~ be supported by copies of transcripts, certificates, diplomas, or ~~other verifying documents~~ degrees attached to the application. (7-1-93)(3-7-02)T

**c.** Training not listed on the applicant's Idaho POST training record shall be supported by copies of certificates, course outlines, or other verifying documents attached to the application. (3-7-02)T

**d.** The officer ~~must shall~~ have completed the probationary period required by their ~~department~~ agency when making application for Level II and Level III Certifications. (7-1-99)(3-7-02)T

**187. LEVEL II CERTIFICATE.**

**021. Level II Certificate Requirements.** In addition to the requirements set forth in Section ~~14273~~ of these ~~R~~rules, the following are required for the award of a Level II Certificate: (7-1-99)(3-7-02)T

**a.** The applicant shall possess, or be eligible to possess, a Level I Certificate. (7-1-99)

**b.** The applicant shall have acquired the following combinations of college credits and/or POST training hours, combined with the prescribed years of law enforcement experience, or the college degree designated from an accredited college or university, combined with the prescribed years of law enforcement experience, and have graduated from the POST Basic Detention Academy:

<del>Total</del> POST Training Hours <del>Training</del> Including POST Basic Detention Academy	600 hours	800 hours	1,200 hours	1,600 hours	1,800 hours	POST Basic Detention Academy	
One College Credit Equals Twenty (20) POST Training Hours	The above <del>can either may</del> be a combination of College Credits <del>or and</del> POST Training Hours					Academic Associate Degree	<del>Bachelor's Academic Baccalaureate Degree</del>
Years of Law Enforcement Experience	<del>6</del> 8	<del>5</del> 7	<del>4</del> 6	<del>3</del> 5	4	<del>3</del> 4	2

(7-1-99)(3-7-02)T

**188. LEVEL III CERTIFICATE.**

**031. Level III Certificate Requirements.** In addition to the requirements set forth in Section ~~14273~~ of these ~~R~~rules, the following are required for the award of ~~the a~~ Level III Certificate: (7-1-99)(3-7-02)T

**a.** The applicant shall possess, or be eligible to possess, a Level II Certificate. (7-1-99)

**b.** The applicant shall have acquired the following combination of college credits and POST training hours, combined with the prescribed years of law enforcement experience, or the college degree designated from an accredited college or university, combined with the prescribed years of law enforcement experience, and ~~have graduated~~ from the POST Basic Detention Academy. Graduation from the ten (10) week Drug Enforcement Administration School in Washington, D.C., the ten (10) week Northwestern University Traffic Institute School of Police Staff and Command, or the eleven (11) week FBI National Academy shall be accepted in lieu of the fifteen (15) college credits required for the Level III Certificate with thirteen (13) years experience.

<del>Minimum</del> POST Training Hours Including POST Basic Detention Academy	500 hours	600 hours	700 hours	800 hours	900 hours	1,200 hours	POST Basic Detention Academy

College Credits	1 <del>0</del> 5	20	30	40	5 <del>0</del> 45	60	A.A. A.S. Academic Associate Degree	B.A. B.S. Academic Baccalaureate Degree	Masters Degree or PhD
Years of Law Enforcement Experience	13	12	11	10	9	8	6 <del>8</del>	5 <del>6</del>	4

(7-1-99)(3-7-02)T

**189. -- 195. (RESERVED).**

**196. COMMUNICATIONS SPECIALIST ~~CLASSIFICATION~~ CERTIFICATION.**

**197. GENERAL PROVISIONS.**

**01. ~~Applicants Certificates And Awards.~~ *Applicants for Communications Specialist Classification must be employed full-time in a communications position, have a high school diploma or equivalent on file at the POST Academy, and have two (2) sets of fingerprints on file at the Idaho Bureau of Criminal Identification. Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals.* Communications Specialist ~~Classification~~ Certification is not statutorily mandated, but is voluntary.** (7-1-99)(3-7-02)T

**02. ~~Property.~~ Certificates and awards remain the property of the Council and are only valid as long as the communications specialist is appointed as an Idaho communications specialist by a duly constituted Idaho law enforcement agency.** (3-7-02)T

**03. ~~Eligibility.~~ To be eligible for the award of a Level I, Level II, Level III, or Advanced certificate, each applicant shall be a full-time communications specialist appointed by a duly constituted Idaho law enforcement agency.** (3-7-02)T

**04. ~~Applications.~~ All applications for award of the Level I, Level II, Level III, or Advanced Certificates shall be completed by the applicant on the prescribed form "Application for Certification" as provided by the POST Council.** (3-7-02)T

**05. ~~Submission.~~ The Application for Certification form shall be submitted by the applicant to his agency head who shall review it for accuracy prior to signing it and forwarding it to the Council. Certificates shall be issued to the agency head for award to the applicant.** (3-7-02)T

**06. ~~Training.~~ Training not listed on the applicant's Idaho POST training record shall be supported by copies of certificates, course outlines, or other verifying documents attached to the application.** (3-7-02)T

**07. ~~Minimum Standards.~~ Each applicant shall meet the minimum standards for employment as provided in Sections 050 through 056.** (3-7-02)T

**198. COMMUNICATIONS SPECIALIST EXPERIENCE.**

~~Communications specialist experience, as used herein, means actual time served as a full-time communications specialist with a duly constituted law enforcement agency. The acceptability of time served as a communications specialist in a jurisdiction other than the state of Idaho, or in a jurisdiction which does not comply with the minimum standards for employment as set forth in Sections 050 through 056, shall be subject to the determination of the Council.~~ (3-7-02)T

**199. LEVEL I CERTIFICATE.**

**021. ~~Level I Classification~~ Requirements. In addition to the requirements set forth in Section 197 of**

these rules, the requirements in Section 199 are necessary for award of the Level I certificate. (3-7-02)T

**a.** The applicant shall have satisfactorily completed a minimum of eighty (80) hours of POST-certified communications-related training, which shall include the ILETS Classification Level I certificate. (3-7-02)T

**b.** The applicant ~~must shall~~ have at least one (1) year of ~~full-time communications specialist~~ experience ~~as a communications specialist and shall have completed a minimum of forty (40) hours of POST Council approved communications related training, which must include the ILETS Classification Level I certificate.~~  
(7-1-93)(3-7-02)T

## **200. LEVEL II CERTIFICATE.**

**031. ~~Level II Classification~~ Requirements.** In addition to the requirements set forth in Section 197 of these rules, the requirements in Section 200 are necessary for award of the Level II certificate. (3-7-02)T

**a.** The applicant shall possess, or be eligible to possess, a Level I certificate. (3-7-02)T

**b.** The applicant shall have satisfactorily completed a minimum of one hundred twenty (120) hours of POST-certified training. (3-7-02)T

**c.** The applicant ~~must shall~~ have at least three (3) years of ~~full-time communications specialist~~ experience ~~as a communications specialist and shall have completed a minimum of eighty (80) hours of training, forty (40) of which must meet Level I requirements.~~  
(7-1-93)(3-7-02)T

## **201. LEVEL III CERTIFICATE.**

**041. ~~Level III Classification~~ Requirements.** In addition to the requirements set forth in Section 197 of these rules, the requirements in this Section are necessary for award of the Level III certificate. (3-7-02)T

**a.** The applicant shall possess, or be eligible to possess, a Level II certificate. (3-7-02)T

**b.** The applicant shall have satisfactorily completed a minimum of two hundred (200) hours of POST-certified training. (3-7-02)T

**c.** The applicant ~~must shall~~ have at least six (6) years of ~~full-time communications specialist~~ experience ~~as a communications specialist and shall have completed a minimum of one hundred twenty (120) hours of training, forty (40) of which must meet Level I requirements.~~  
(7-1-93)(3-7-02)T

## **202. ADVANCED CERTIFICATE.**

**051. ~~Advanced Classification~~ Requirements.** ~~For purposes herein, the term "advanced communications" position means that the incumbent possesses a Level III Communications Specialist Classification and has~~ The Advanced Certificate is for individuals who have consciously decided to focus career efforts on public safety communications. A candidate for ~~this classification~~ the Advanced Certificate shall: (7-1-93)(3-7-02)T

**a.** Possess ~~a~~ the Level III Communications Specialist ~~Classification~~ Certificate. (7-1-93)(3-7-02)T

**b.** Have a minimum of ten (10) years full-time experience in public safety communications. (7-1-93)

**eb.** Have ~~accumulated and successfully~~ satisfactorily completed five hundred (500) hours of POST-certified ~~Council-approved~~ communications-related training. (7-1-93)(3-7-02)T

**dc.** Have ~~successfully~~ satisfactorily completed both the POST Basic and Advanced ~~Communications~~ Dispatch Academies. (7-1-93)(3-7-02)T

**d.** Have a minimum of ten (10) years of communications specialist experience. (3-7-02)T

203. -- 210. (RESERVED).

~~#~~211. CANINE TEAM CERTIFICATION.

~~01.~~ **Legal Authority.** *The Idaho Legislature has given the Idaho Peace Officer Standards and Training Council the authority to promulgate these rules in Section 19-5107, Idaho Code.* (3-20-97)

~~02.~~ **Title And Scope.** These rules are intended to set minimum standards of performance for the certification of Idaho police canine teams. Nothing in these rules is intended to limit the use of canine teams employed by other states or federal agencies for law enforcement purposes, or the use of volunteer canine teams in which the handler is not an Idaho peace or detention officer. (~~3-30-01~~)(3-7-02)T

~~03.~~ **Definitions.** (3-20-97)

212. DEFINITIONS.

~~a~~01. **Canine Team.** A specific person and a specific canine controlled by that person in the capacity of handler, formally assigned by the appointing agency to work together in the performance of law enforcement duties. (3-15-02)

~~b~~02. **Evaluator.** An Idaho POST-certified peace or detention officer or a corrections officer with three (3) years of canine handler experience and three hundred ninety (390) hours of accredited canine training who has been recommended to the Council by the Idaho Police Canine Association and subsequently approved as an Idaho POST-certified instructor of canine subjects for the purpose of testing and certifying canine teams. (3-30-01)

~~e~~03. **Pace.** A distance measuring two (2) feet. (3-30-01)

~~04.~~ **Certification.** (~~3-30-01~~)

213. GENERAL PROVISIONS.

~~a~~01. **Mandatory Certification.** A canine team ~~must~~ shall be certified in order to perform their duties. (~~3-30-01~~)(6-11-02)T

~~b~~02. **Eligibility.** The canine handler ~~must~~ shall be an Idaho POST-certified peace or detention officer to be eligible for certification under these rules. (~~3-30-01~~)(6-11-02)T

~~e~~03. **Evaluation.** In evaluating the proficiency of the canine teams, the evaluators shall use the standards promulgated by the Idaho Police Canine Association and approved by the POST Council for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results. A POST Training Specialist, or his designee, ~~must~~ shall be present for all canine certification testing. (~~3-30-01~~)(6-11-02)T

~~#~~04. **Areas of Certification.** The Council shall certify a canine team which successfully demonstrates the handler's ability to control the canine, under the scrutiny of a canine evaluator, in addition to proficiency in one (1) or more of the following areas: (~~3-30-01~~)(6-11-02)T

~~i~~a. Patrol; (3-30-01)

~~i~~b. Tracking; (3-30-01)

~~i~~c. Evidence search; (3-30-01)

~~i~~d. Controlled substance detection; or (3-30-01)

~~v~~e. Explosive substance detection. (3-30-01)

**05. Expiration Of Certification.** Each certification issued pursuant to these rules shall remain valid for fifteen (15) months. A canine team ~~must~~ shall be evaluated prior to their certification expiration date to maintain their certification. If the canine team fails any portion of an evaluation, they ~~must~~ shall be re-evaluated for the failed area. A canine team certification shall lapse if the specific handler and canine, as originally paired at the time of certification, cease to perform canine team functions together. ~~(3-15-02)~~(6-11-02)T

**06. Appeal.** Any handler who believes there have been improper procedures applied in implementing the standards may file an appeal with the Idaho Peace Officer Standards and Training Academy in writing. This appeal ~~must~~ shall be filed within thirty (30) days of the testing date. ~~(3-30-01)~~(6-11-02)T

**214. -- 218. (RESERVED).**

**~~219.~~ PATROL DOGS.**

~~01. Patrol Dog Certification Test.~~ ~~(3-30-01)~~

**220. CERTIFICATION TEST.**

~~01. Required Skills.~~ The skills required for certification of a patrol dog team are: ~~(3-30-01)~~(6-11-02)T

~~i.a.~~ Suspect search; (3-30-01)

~~i.b.~~ Apprehension; (3-30-01)

~~i.c.~~ Handler protection; and (3-30-01)

~~i.d.~~ Obedience-agility. (3-30-01)

~~02. Conclusion Of Evaluation.~~ The patrol dog evaluation shall be concluded within twenty-four (24) hours. This is to establish that the dog's mental and physical endurance is sufficient to withstand the rigors of active service. ~~(3-30-01)~~(6-11-02)T

~~02. Performance Objectives.~~ ~~(3-20-97)~~

**221. PERFORMANCE OBJECTIVES.**

**222. SUSPECT SEARCH.**

~~a. Suspect Search.~~ Under direction and reasonable control, the canine ~~must~~ shall demonstrate the ability to detect and alert the handler to a hidden person in a structure or building and locate a person in an outdoor open area. The handler shall inform the evaluator of the manner in which the canine alerts prior to the exercise beginning. In a structure or building of at least one thousand five hundred (1,500) square feet with multiple rooms and hiding places, the dog ~~must~~ shall demonstrate the ability to locate a hidden person and alert the handler. In an outdoor area at least one (1) acre in size with multiple hiding locations, the dog ~~must~~ shall demonstrate the ability to locate a hidden person and alert the handler. ~~(3-30-01)~~(6-11-02)T

**223. APPREHENSION.**

~~b. Apprehension.~~ ~~(3-30-01)~~

~~01. Apprehension Without Contact.~~ While off leash and under direction of the handler, the dog ~~must~~ shall demonstrate the ability to pursue a person acting as a suspect without any physical contact. The police service dog team shall begin the exercise off leash from a predesignated starting point. While the handler controls the dog, the evaluator shall signal the "suspect" to visually present himself at a reasonable distance of at least thirty (30) yards from the canine team. The handler shall verbally challenge the "suspect" to stop. The "suspect" shall ignore the order and continue to flee. The handler shall then release the dog in pursuit of the "suspect" and tactically follow the dog, keeping the dog and "suspect" in full view. The "suspect" shall stop fleeing and stand still. As predetermined by the

handler, the dog shall either return to the handler or stay and guard the “suspect”. During this exercise, the dog shall not make physical contact with the “suspect”. ~~(3-30-01)~~(6-11-02)T

~~ii02.~~ **Apprehension With Contact.** While under control of the handler and with the dog off-leash, the dog ~~must~~ shall demonstrate the ability to pursue and apprehend a “suspect” with physical contact. The police service dog team shall begin the exercise off leash from a predesignated starting point. While the handler controls the dog, the evaluator shall signal the “suspect” to visually present himself at a reasonable distance of at least thirty (30) yards from the canine team. The handler shall verbally challenge the “suspect” to stop. The “suspect” shall ignore the order and continue to flee. The handler shall then release the dog in pursuit of the “suspect” and tactically follow the dog, keeping the dog and “suspect” in full view. The “suspect” shall continue to flee. The handler shall send the dog to physically apprehend the “suspect” and the dog shall hold the “suspect” until called off (verbal only) by the handler. ~~(3-30-01)~~(6-11-02)T

**224. HANDLER PROTECTION.**

~~e.~~ **Handler Protection.** The dog ~~must~~ shall demonstrate the ability to defend the handler without command during a physical attack on the handler by a “suspect”. On verbal command from the handler, the dog ~~must~~ shall cease physical apprehension of the assailant. Upon the dog releasing the “suspect,” the dog shall assume a guard position while the handler takes control and conducts a “pat down” of the “suspect”. ~~(3-30-01)~~(6-11-02)T

**225. OBEDIENCE-AGILITY.**

~~d.~~ **Obedience-Agility.** The handler ~~must~~ shall demonstrate the ability to control the canine during an obedience performance test. Testing shall be conducted using reasonable distractions that may be encountered during the performance of law enforcement duties. ~~(3-30-01)~~(6-11-02)T

~~01.~~ **Heeling.** The canine team ~~must~~ shall demonstrate the ability to perform basic routine left, right, and about turns, both slow and quick pace, on and off leash. Testing shall consist of two (2) right turns, two (2) left turns, two (2) about turns, and two (2) stop/sits, both on and off leash. ~~(3-30-01)~~(6-11-02)T

~~02.~~ **Down In Motion.** With the team moving forward, the handler shall “down” the dog on the evaluator’s command and continue to move forward until the handler reaches a designated point (at least thirty (30) paces away). At the evaluator’s command, the handler shall recall the dog to the “heel” position by means of voice and/or hand commands. (3-30-01)

~~03.~~ **Down From A Distance.** With the dog in a stand or a sit-stay position, the handler shall face the dog from a location at least thirty (30) paces away, wait for the evaluator’s signal, then “down” the dog by the means of voice and/or hand signals. After the dog has remained down for five (5) minutes, the handler shall return to the dog and release him from the down. (3-30-01)

~~04.~~ **Obstacle (At Least Thirty-Six Inches High).** From the heel position, and at least two (2) paces in front, the handler shall command the dog to jump the obstacle and to stay in a sit, stand, or down position on the other side of the obstacle. The handler shall inform the evaluator prior to the jump what position the dog will assume. The handler shall then proceed to the dog and command the dog to heel to complete the exercise. (3-30-01)

~~05.~~ **Gunfire Sureness Test (off-lead).** The handler shall heel his canine onto the test field. After approximately twenty (20) paces, the handler shall stop, place his dog in a down or sit, draw a pistol and fire two (2) shots (blanks only). The canine may show interest, but no uncontrollable aggression toward the handler or persons in the area. (3-30-01)

**226. -- 230. (RESERVED).**

~~231.~~ **TRACKING DOGS.**

The dog ~~must~~ shall demonstrate the ability to follow the steps of a person along a track that is four hundred (400) to six hundred (600) paces in length, having two (2) ninety (90) degree turns and aged a minimum of thirty (30) minutes. A cross-track shall be placed at some point along the third leg as a diversion. The dog shall not be diverted from the original track. ~~(3-30-01)~~(6-11-02)T

~~20232.~~ **EVIDENCE SEARCH DOGS.**

The dog ~~must~~ shall demonstrate the ability to locate two (2) well-scented, small items that the evaluator has hidden within an eight hundred (800) square yard area. The dog ~~must~~ shall be out of sight when the items are placed. The handler shall direct the dog to search systematically. The dog ~~must~~ shall demonstrate the ability to indicate the location of these items as it encounters them. ~~(3-30-01)~~(6-11-02)T

~~233. -- 235.~~ **(RESERVED).**

~~236.~~ **DETECTION DOGS.**

~~01.~~ **Detection Dog Certification Test.** ~~(3-30-01)~~

**237. CERTIFICATION TEST.**

**a01. Required Skills.** Detection dog teams ~~must~~ shall demonstrate the ability to detect substances in buildings (residential and commercial), vehicles (private and commercial), luggage and packages, and exterior open areas. During testing, substances shall be hidden by the evaluator, outside the knowledge of the handler. The canine shall start the search at a point determined by the handler. ~~(3-30-01)~~(6-11-02)T

**a.** Buildings. The building search shall consist of an area designated by the evaluator that may vary in size, location, or environment, but shall consist of at least three (3) rooms. Substances shall be hidden high and low. (3-30-01)

**b.** Vehicles. The vehicle search shall consist of at least three (3) vehicles which may vary in size, location, or environment. The search shall include the interior and exterior of the vehicles. Substances may be hidden inside or on the outside of the vehicle. (3-30-01)

**c.** Luggage and packages. This search shall consist of at least six (6) pieces of luggage and/or packages of different sizes and/or shapes. These pieces may vary in location or environment. (3-30-01)

**d.** Exterior open areas. The exterior search shall consist of an area in open air that may vary in size, location, or environment, and may include buried substance. (3-30-01)

**b02. Control.** Each handler ~~must~~ shall demonstrate the ability to control their canine. This shall include “sit,” “stay,” “heel,” and “come” commands. ~~(3-30-01)~~(6-11-02)T

**238. TEST CRITERIA.**

~~02.~~ **Test Criteria.** The handler shall be evaluated in the following areas: ~~(3-30-01)~~(6-11-02)T

**a01. Control.** Control of the dog. ~~(3-20-97)~~(6-11-02)T

**b02. Recognition.** Recognition of the behavioral changes in the dog. ~~(3-20-97)~~(6-11-02)T

**e03. Search Patterns.** Search patterns, to include: ~~(3-20-97)~~(6-11-02)T

**a.** Presentation of the areas to be searched. (3-20-97)

**b.** Manipulation of the environments. (3-20-97)

**c.** Body language which includes negative behavior in the dog (false response, failure to work to the course, etc.) and timeliness of positive and/or negative reinforcement. (3-20-97)

~~03.~~ **Substances.** ~~(3-20-97)~~

**239. SUBSTANCES.**



**#01. Types And Amounts.** The types and amounts of substance in each search shall be at the discretion of the evaluator. Substances shall be set in place at least thirty (30) minutes prior to each test. ~~(3-30-01)~~(6-11-02)T

**#02. Human Scent.** Articles containing human scent may be placed in each test area. ~~(7-1-99)~~(6-11-02)T

**#03. Dangerous Substance.** The handler shall be notified if a dangerous substance being detected by the dog can be accessed by the dog. ~~(3-30-01)~~(6-11-02)T

**#04. Not Readily Accessible.** No explosive or controlled substance other than marijuana shall be hidden in a location readily accessible to the canine. ~~(3-30-01)~~(6-11-02)T

**240. CONTROLLED SUBSTANCES.**

**#01. Controlled Substances.** Controlled substances shall consist of, but not be limited to, four (4) main areas: ~~(3-30-01)~~(6-11-02)T

**i.a.** Marijuana and hashish (two (2) grams or greater). (3-20-97)

**#b.** Cocaine (hydrochloride) (two (2) grams or greater). (3-20-97)

**##c.** Heroin and opiate derivatives (two (2) grams or greater). (3-20-97)

**ivd.** Methamphetamine (two (2) grams or greater). (3-30-01)

**#02. Narcotic Detection Dog.** It is not required that a narcotic detection dog be trained in all four (4) common fields of controlled substances. However, if the dog is not trained in all four (4) substances, it shall be noted on the evaluation form and in the dog's training records what substances the dog is proficient in detecting. ~~(3-30-01)~~(6-11-02)T

**241. EXPLOSIVE SUBSTANCES.**

**#01. Explosive Substances.** Explosive substances shall consist of, but not be limited to, twelve (12) areas: ~~(3-30-01)~~(6-11-02)T

**ia.** C-4 explosive (two (2) grams or greater). (3-30-01)

**#b.** Pyrodex (two (2) grams or greater). (3-30-01)

**##c.** Ammonium nitrate (two (2) grams or greater). (3-30-01)

**ivd.** Detonating cord (two (2) grams or greater). (3-30-01)

**ve.** Time fuse (two (2) grams or greater). (3-30-01)

**vi f.** Nitro methane (two (2) grams or greater). (3-30-01)

**vii g.** TNT pentex (two (2) grams or greater). (3-30-01)

**vi i i h.** Nitro glycerin dynamite (two (2) grams or greater). (3-30-01)

**ix.** Non nitro glycerin dynamite (two (2) grams or greater). (3-30-01)

**xj.** Sodium chlorate (two (2) grams or greater). (3-30-01)

**xik.** Potassium chlorate (two (2) grams or greater). (3-30-01)

~~iii~~1. Gun powder (two (2) grams or greater). (3-30-01)

~~ii~~02. **Explosives Detection Dog.** It is not required that an explosives detection dog be trained in all twelve (12) common fields of explosive substances. However, if the dog is not trained in all twelve (12) substances, it shall be noted on the evaluation form and in the dog's training records what substances the dog is proficient in detecting. ~~(3-30-01)~~(6-11-02)T

~~04.~~ **Testing Procedure.** ~~(3-20-97)~~

**242. TESTING PROCEDURE.**

~~a~~01. **Start Of Testing.** Prior to the start of the testing, the handler shall give the evaluator the following information: ~~(3-30-01)~~(6-11-02)T

~~ia.~~ The type of alert (passive or aggressive). (3-20-97)

~~ib.~~ The type of reward (ball, food, towel, praise, etc.). (3-20-97)

~~ic.~~ The type of substance(s) the dog is trained to detect (dogs shall be evaluated only on the substances with which they have been trained). (3-30-01)

~~id.~~ Whether the dog is cross-trained (patrol/drugs/bombs/etc.) (3-20-97)

~~02.~~ **Start And Finish.** The evaluator shall signal the start and finish of each test and shall allow reasonable time for the team to cover the area and indicate the location of the substance. The evaluator shall have the discretion to discontinue the search if excessive time has been spent on the search without results. Prior to terminating the search the evaluator may give the team the opportunity to note any changes in behavior and research that specific area. ~~(3-30-01)~~(6-11-02)T

~~e~~03. **Positive Alert.** The handler shall verbally indicate to the evaluator that he has a positive alert from his dog and believes that the substance has been found. The handler shall indicate the location of the substance to the evaluator. ~~(3-30-01)~~(6-11-02)T

~~243.~~ -- ~~249.~~ (RESERVED).

~~250.~~ **INSTRUCTOR CERTIFICATION OF INSTRUCTORS.**

~~251.~~ **GENERAL PROVISIONS.**

**01. Purpose.** Instructor Certificates are established for the purpose of recognizing competence as an instructor of law enforcement subjects and/or general subjects pertinent to law enforcement personnel. (6-11-02)T

**02. Certification.** The Council shall certify instructors who meet the requirements set forth in Sections 250 through 256 and are deemed qualified to teach ~~in~~ one (1) or more of the prescribed training courses. *Certification will be in accordance with Section 132 and Section 133 of these Rules. The names of certified instructors shall be published and distributed periodically by the Council.* ~~(7-1-93)~~(6-11-02)T

**03. Applications.** All applications for award of Instructor Certificates shall be completed by the applicant on the prescribed "Certified Instructor Packet" as provided by the POST Council. (6-11-02)T

**04. Submission.** The Certified Instructor Packet shall be submitted by the applicant to his agency head who shall review it prior to signing it and forwarding it to the POST Regional Training Specialist. Certificates shall be issued to the agency head for award to the applicant. (6-11-02)T

**05. POST Training Credit.** No POST training credit shall be given for attendance at a school taught by one (1) or more instructors who are not POST-certified instructors. However, POST training credit may be given for attendance at a school taught by an instructor seeking instructor certification in the respective subject pursuant to

Sections 250 through 256.

(6-11-02)T

**06. POST-Certified School.** A school taught by one (1) or more POST-certified instructors in their respective subjects shall be considered a POST-certified school. (6-11-02)T

**027. Minimum Quality.** ~~Instructors will be certified on the basis of minimum qualifications in the areas of education, training and experience. Such certification cannot never be expected to insure good instruction, and it shall~~ Therefore, it shall be the continuing responsibility of school directors or coordinators to see that instructors are assigned only ~~topics~~ subjects which they are qualified to teach and are supervised on a regular basis to insure that instructional excellence is maintained. (7-1-93)(6-11-02)T

**038. Revocation.** Instructor certification may be revoked by the Council whenever an instructor is deemed to be unqualified to continue teaching. Review of instructor certification may be initiated upon the request of a ~~department~~ an agency head, school director or coordinator, or other reliable source. Such review may also be initiated by the Council in the absence of external requests or complaints. (7-1-93)(6-11-02)T

**049. Special Certification Or Exceptions.** (7-1-93)(6-11-02)T

a. Judges, attorneys, educators, doctors, federal officials, state officials, and other non-police personnel should be utilized when their talents are needed. The ~~usual formalities~~ requirements set forth in Sections 250 through 256 may be waived by the Council and the Council may certify such instructors or the course they teach upon recommendation of the ~~School~~ director or ~~C~~coordinator. (7-1-93)(6-11-02)T

b. Instructor applicants who do not meet the ~~recommended minimum~~ requirements of Sections 250 through 256, but who have taught at a training ~~school~~ course pursuant to these rules may be eligible for instructor certification upon recommendation of the school director or coordinator. (7-1-93)(6-11-02)T

~~05. Limited Control. It is the intent of the Council to exercise only limited control in the area of certification of instructors. The following recommendations are intended to assure the Council that instructors in approved peace officer training schools meet minimal qualifications as to training and experience. The actual evaluation and selection of instructors will remain the responsibility of the school director, who is ultimately responsible for the quality of the instruction provided. (7-1-93)~~

**13252. RECOMMENDED INSTRUCTOR REQUIREMENTS IN POLICE RELATED COURSES FOR INSTRUCTORS OF LAW ENFORCEMENT SUBJECTS.**

The requirements in Sections 250 through 252 are necessary for award of the instructor certificate for law enforcement subjects: (6-11-02)T

**01. Law Enforcement Experience.** A ~~The applicant shall have a~~ minimum of three (3) years of law enforcement experience ~~for personnel instructing law enforcement subjects.~~ (7-1-93)(6-11-02)T

**02. Education.** A ~~minimum of~~ The applicant shall be a high school ~~graduation~~ graduate or the equivalent as recognized by the Council ~~for personnel instructing law enforcement subjects.~~ (7-1-93)(6-11-02)T

**03. Training Instructor Development Course.** ~~All new~~ The applicants ~~for instructor certification~~ shall ~~be required to~~ have ~~satisfactorily~~ completed an ~~Instructors Training Development~~ Course approved by the Council. ~~The Council may waive~~ This requirement ~~may be waived~~ in exceptional cases reflecting outstanding education, experience, or achievement. ~~Waiver of instructor training requirements will be authorized by the Council;~~ or under unusual circumstances upon written application by a school director or coordinator. (7-1-93)(6-11-02)T

**04. Subsequent Applications.** A current POST-certified instructor making application for instructor certification in an additional subject and who has already ~~satisfactorily~~ completed an Instructor Development Course approved by the Council shall not have to complete the course again. (6-11-02)T

**13253. RECOMMENDED INSTRUCTOR REQUIREMENTS IN GENERAL COURSES FOR INSTRUCTORS OF GENERAL SUBJECTS PERTINENT TO LAW ENFORCEMENT PERSONNEL.**

~~Personnel instructing~~ The requirements in Sections 250, 251, and 253 are necessary for award of the instructor

certificate for general subjects pertinent to law enforcement personnel such as criminal law, human relations, and management topics, may be certified on the basis of the following minimum recommended qualifications:

(7-1-93)(6-11-02)T

**01. Experience.** At least The applicant shall have a minimum of three (3) years of experience in the subject area to be instructed.

(7-1-93)(6-11-02)T

**02. Education.** At least The applicant shall have a baccalaureate or higher degree in a related field.

(7-1-93)(6-11-02)T

**03. Recommendation.** Recommendation of The applicant shall be recommended by a school director or coordinator.

(7-1-93)(6-11-02)T

## **254. PROCEDURES.**

**01. Application.** After meeting the requirements set out in Sections 250 and 251, and either 252 or 253, the applicant shall submit to his POST Regional Training Specialist a completed Certified Instructor Packet, which shall include:

(6-11-02)T

**a.** Three (3) letters of recommendation;

(6-11-02)T

**b.** A resume of schools attended in preparation for instructing the selected subject;

(6-11-02)T

**c.** A lesson plan, including visual aids, equipment needed, handouts, performance objectives, and test questions with answers.

(6-11-02)T

**02. Evaluation.**

(6-11-02)T

**a.** Within two (2) weeks after submitting the packet, the applicant shall contact his POST Regional Training Specialist to set up a time for the Training Specialist to monitor a class the applicant is instructing. In addition to evaluating the quality of instruction provided by the applicant, the Training Specialist shall take into consideration background, education, achievement, teaching experience, and qualifications, as well as such variables as need, region, and recommendations.

(6-11-02)T

**b.** A current POST-certified instructor making application for instructor certification in an additional subject and who has previously had a class monitored by a POST Training Specialist shall not be required to have a class in the additional subject monitored.

(6-11-02)T

**03. Recommendation.** After ensuring all requirements are met and the Certified Instructor Packet is complete, the POST Regional Training Specialist shall attach his recommendation to the packet and forward it to the POST Executive Director. The POST Executive Director shall review the packet, and upon approval, put the applicant's request for instructor certification on the agenda for the next POST Council meeting.

(6-11-02)T

**04. POST Council.** The POST Council shall rely heavily on the endorsement of the POST Regional Training Specialist as to the applicant's qualifications and ability to effectively communicate.

(6-11-02)T

## **~~255. EXPIRATION AND RENEWAL.~~**

~~*Instructional* Instructor certification *will be issued* shall remain valid for a period of ~~twenty-four (24) months~~ two (2) years with the exception of firearms instructor certification which shall remain valid for a period of one (1) year. ~~At the end of the twenty-four (24) month period, certification will be automatically renewed if the instructor's performance still meets the qualifications and they have instructed at least one (1) class in the last twenty-four (24) month period.~~~~

(7-1-93)(6-11-02)T

## **256. RENEWAL.**

**01. Notification.** At the end of the certification period, the POST Council shall send notification to the instructor, provided the instructor still meets the qualifications for instructor certification.

(6-11-02)T

**02. Requirements.** To renew the certification, the instructor shall submit the following to POST Council: (6-11-02)T

- a. A teaching log indicating the instruction of at least one (1) class during the last certification period; (6-11-02)T
- b. An updated lesson plan, if any changes have been made since it was last submitted; and (6-11-02)T
- c. A POST Short Course firearms qualification score sheet witnessed by a POST-certified firearms instructor other than the renewing instructor. This requirement applies only to POST-certified firearms instructors who are renewing their firearms instructor certification. (6-11-02)T

**135. PROCEDURE.**

~~**01. Applications.** Applications for instructional certification will be made to POST. Applicants for instructor certification will be endorsed by a school director where applicable and by the applicant's department head. Once an application has been submitted to the Council and the instructor is certified, this process need not be repeated unless certification has been revoked. (7-1-93)~~

~~**02. Evaluation.** Upon receiving the Instructor Certification Application, the Council will make its evaluation from the standpoint of background, education, achievement, teaching experience and qualifications. The Council will rely heavily on the endorsement of the school coordinator or department head as to the effectiveness of the applicant's ability to communicate. (7-1-93)~~

~~**03. Form.** Certification of instructors by the Council will be in the form of a letter so stating to the school coordinator, certifying the school and instructors as requested by the school coordinator. Notification will also be made to the applicant advising him/her of their certification and a wallet size card will be issued every two (2) years. (7-1-93)~~

~~**04. No Credit.** No credit will be given to any officer for any course that is taught with one (1) or more instructors who have not been certified by the POST Council; however, credit will be given to any officer for any course that is taught by an instructor seeking instructor certification pursuant to POST policy. (7-1-93)~~

**257. -- 265. (RESERVED).**

**266. MASTER INSTRUCTOR CERTIFICATION.**

Master Instructor Certificates are established for the purpose of recognizing competence as an instructor of instructors of law enforcement subjects and/or general subjects pertinent to law enforcement personnel, especially high liability subjects such as Arrest Techniques, Detention, Dispatch, DUI, Emergency Vehicle Operation, Firearms, Impact Weapons, Instructor Development, K-9, and Weapons Retention. (6-11-02)T

**267. REQUIREMENTS.**

In addition to the requirements set forth in Sections 250 and 251 of these rules, the requirements in Sections 266 through 269 are necessary for award of the master instructor certificate: (6-11-02)T

**01. Instructor Development Course.** The applicant shall have satisfactorily completed an Instructor Development Course approved by the Council. (6-11-02)T

**02. POST-Certified Instructor.** The applicant shall be a current POST-certified instructor in the subject he is applying for Master Instructor certification in, and shall have held that certification for a minimum of three (3) years prior to application. The Council may waive this requirement in exceptional cases reflecting outstanding education, experience, or achievement; or under unusual circumstances upon written application by the POST Executive Director. (6-11-02)T

**03. Instruction.** The applicant shall have instructed a minimum of forty (40) hours of classes in the subject he is applying for Master Instructor certification in during each of the previous two (2) years. (6-11-02)T

**04. Additional Training Or Education.** The applicant shall have received additional training or education beyond basic training in the area of their instructor certification. (6-11-02)T

**05. Exceptional Ability.** The applicant shall have demonstrated exceptional ability to develop and present training. (6-11-02)T

**06. Recommendation.** The applicant shall be recommended for master instructor certification by a POST Regional Training Specialist or a current POST-certified master instructor. (6-11-02)T

**07. Maintain Certification.** The applicant shall be willing to commit to teaching a minimum of one (1) instructor class during the certification period to maintain certification. (6-11-02)T

**268. PROCEDURES.**

**01. Application.** After meeting the requirements set out in Sections 266 and 267, the applicant shall submit to his POST Regional Training Specialist a completed Certified Instructor Packet. (6-11-02)T

**02. Audit Instructor Course.** The applicant shall audit an instructor course coordinated by a POST Training Specialist and taught by a current POST-certified master instructor. (6-11-02)T

**03. Assist In Teaching.** The applicant shall assist in teaching a class under the supervision of a current POST-certified master instructor and shall receive a written recommendation from that instructor. (6-11-02)T

**04. Co-Instruct.** The applicant shall co-instruct a class with a current POST-certified master instructor. (6-11-02)T

**05. Evaluation.** The applicant shall receive a final evaluation by a POST Training Specialist. (6-11-02)T

**269. EXPIRATION AND RENEWAL.**

Master instructor certification shall remain valid for a period of three (3) years. At the end of the certification period, the certification shall be automatically renewed provided the master instructor still meets the qualifications and he has instructed at least one (1) instructor class during the last certification period. (6-11-02)T

**270. -- 275. (RESERVED).**

**~~13276.~~ INSTRUCTOR REIMBURSEMENT FOR INSTRUCTORS.**

**~~01.~~ Reimbursement.** Reimbursement to instructors for travel, lodging and meals for POST-certified schools may be granted by the Council. If reimbursement is granted for travel, lodging and meal expenses, the reimbursement shall not exceed allowances currently authorized for employees of the state of Idaho for official business. (~~7-1-93~~)(6-11-02)T

**~~02.~~ Meals And Lodging.** *Where meals and lodging are provided by the school, the allowed costs for instructors shall be based upon the charge for meals and lodging made by the school. This shall not include meals and lodging incurred in travel to and from the school.* (~~7-1-93~~)

**~~13277.~~ -- ~~149280.~~ (RESERVED).**

**~~150281.~~ SCHOOL FORMATION AND CERTIFICATION OF SCHOOLS.**

**~~151282.~~ GENERAL PROVISIONS.**

**01. Purpose.** School certification is established for the purpose of recognizing schools deemed adequate to effectively teach law enforcement subjects and/or general subjects pertinent to law enforcement personnel. (6-11-02)T

~~072.~~ **Certification.** The Council shall certify instructors schools deemed adequate to effectively teach one (1) or more of the prescribed training courses ~~prescribed in Section 071 through Section 077, "Minimum Standards for Training".~~ The identity of each school so certified shall be published and distributed periodically by the Council. (7-1-93)(6-11-02)T

~~02.~~ **Training Schools.** ~~Certification of training schools will be made on the basis of the information contained in the "Application for Certification of School". A school inspection may be conducted by the Council or its representative as part of the certification procedure.~~ (7-1-93)

~~03.~~ **Letter.** ~~Certification of a school by the Council will consist of a letter from the Council indicating the classroom hours approved for credit.~~ **Applications.** All applications for award of school certification shall be completed by the school director on the prescribed "Application for Certification of School" as provided by the POST Council. (7-1-93)(6-11-02)T

~~04.~~ **Attendance.** ~~Generally, when so requested by the school coordinator, certificates of attendance will be issued by the Council to those attending schools with thirty five (35) course hours or more of classroom instruction.~~ **Submission.** The Application for Certification of School form shall be submitted by the school director to his agency head who shall review it prior to signing it and forwarding it to the POST Regional Training Specialist. (7-1-93)(6-11-02)T

~~05.~~ **Revocation.** ~~Certification may be revoked by action of the Council whenever a school is deemed inadequate. In such event, the sponsoring agency of said school and the head of each department whose trainees participate in the school shall be notified by the Council. The school may be recertified by the Council when it deems the deficiencies have been corrected.~~ (7-1-93)

~~065.~~ **Appeal.** In the event that certification is denied, appeal may be made directly to the Council. (7-1-93)

~~076.~~ **No POST Training Credit.** No ~~officer will receive~~ POST training credit shall be given for ~~any training course completed which~~ attendance at a school that has not been certified by the Council. ~~Records and transcripts will be kept for each officer on all certified training courses he completes.~~ (7-1-93)(6-11-02)T

~~07.~~ **POST-Certified School.** A school sponsored and conducted by the POST Council or a school taught by a POST-certified instructor in their respective subject shall be considered a POST-certified school. (6-11-02)T

~~08.~~ **Revocation.** Certification may be revoked by the Council whenever a school is deemed to be inadequate. In such event, the head of the sponsoring agency of the school shall be notified by the Council. The school may be recertified by the Council when it deems the deficiencies have been corrected. (6-11-02)T

### ~~15283.~~ EXAMINATIONS.

Written examinations may be required of each trainee in each course school certified by the Council ~~with~~ for thirty-five (35) or more POST training hours ~~or more classroom instruction.~~ (7-1-93)(6-11-02)T

### ~~284.~~ CERTIFICATES OF COMPLETION.

Certificates of completion may be issued by the Council to those satisfactorily completing schools worth thirty-five (35) or more POST training hours. (6-11-02)T

### ~~153285.~~ TYPES OF SCHOOL CERTIFICATION.

~~Two types of school certification may be issued:~~ (7-1-93)

~~01.~~ **Temporary Certification.** Temporary certification may be ~~made~~ granted for ~~schools offering a specific law enforcement training courses~~ school offered on a one (1) time or infrequent basis. Temporary certification ~~shall be for a specific course and~~ shall be issued for a definite period of time not to exceed one (1) year. (7-1-93)(6-11-02)T

**02. Continuing Certification.** Continuing certification ~~shall~~ may be granted for longer than one (1) year for schools offering law enforcement training schools offered on ~~an annual~~ regular basis. Such certification may be reviewed at any time at the discretion of the POST Executive Director. (7-1-93)(6-11-02)T

**286. PROCEDURES.**

**01. Application.** The completed Application for Certification of School form shall be submitted to the POST Regional Training Specialist a minimum of thirty (30) days prior to the start of the school, and shall include: (6-11-02)T

- a.** A course outline; (6-11-02)T
- b.** A course description of the subject material being offered and the time period to be devoted to each subject area; (6-11-02)T
- c.** A schedule of classes; (6-11-02)T
- d.** A statement about the law enforcement personnel to whom it shall be directed; (6-11-02)T
- e.** A resume on each instructor, unless the instructor is a POST-certified instructor; and (6-11-02)T
- f.** A lesson plan, unless the lesson plan is permanently on file at the sponsoring agency. (6-11-02)T

**02. Evaluation.** An evaluation of the school shall be made on the basis of the information provided in the Application for Certification of School. A school inspection may be conducted by the Council or its representative as part of the certification procedure. If there is still a question about whether or not the school shall be certified after the evaluation is complete, the POST Council shall review the application and determine whether the school shall be certified. (6-11-02)T

**03. Notification.** Notification of approval or denial of the request for certification shall be sent in the form of a letter from the POST Regional Training Specialist to the agency head. If approval is granted, the letter shall indicate how many POST training hours shall be awarded for completion of the training. (6-11-02)T

**04. Course Attendance Roster.** The school director shall submit the original copy of the POST Course Attendance Roster to the POST Regional Training Specialist within seven (7) days of completion of the school. (6-11-02)T

**154. REQUIREMENTS OF SCHOOLS.**

~~Applications for certification of schools must be approved in writing in advance of school presentation, with the exception of schools sponsored and conducted by the POST Council, which are hereby deemed certified. Applications for certification of schools must be received by the Executive Director of POST not less than one (1) week in advance of the starting date of the school and shall be accompanied by: an outline and course description of the subject material being offered and the time period to be devoted to each subject area. A schedule of classes, instructor certification forms (when applicable) and a statement about the law enforcement personnel to whom it will be directed must also be included. In the event the Executive Director of POST has a question as to whether or not credit should be given to the school after a POST evaluation of the school has been completed, the Executive Director shall bring it before the POST Council at their next meeting for approval or disapproval of the school. (7-1-93)~~

**155287. THE SCHOOL COORDINATOR DIRECTOR.**

- 01. Selection.** A school coordinator must be selected to handle the procedures of a school. (7-1-93)
- 02. Duties.** Duties of the school coordinator. (7-1-93)
- a. Responsibilities.** The school ~~coordinator~~ director shall ~~assume the~~ be responsible ~~of~~ for the overall supervision of the school, including, if applicable: (7-1-93)(6-11-02)T



- a. Arranging for qualified instructors; (6-11-02)T
- b. Arranging for adequate facilities such as classrooms, gymnasium, safe firearms ranges, etc.; (6-11-02)T
- c. Applying for POST certification of school; (6-11-02)T
- d. Providing for food and lodging for trainees where appropriate; (6-11-02)T
- ~~ie.~~ The preparation Preparing and grading of examinations; (7-1-93)(6-11-02)T
- ~~ii.~~ Rating of Grading classroom notebooks; and (7-1-93)(6-11-02)T
- ~~iii.~~ Arranging for qualified instructors; (7-1-93)
- ~~iv.~~ Providing for food and lodging for trainees where appropriate; (7-1-93)
- ~~v.~~ Arranging for adequate facilities such as classrooms, gymnasium, safe firearms ranges, etc.; and (7-1-93)
- ~~v.~~g. The conduct and discipline of the trainees. (7-1-93)

~~b02.~~ **Determination Of Successful Completion.** The school ~~coordinator~~ director shall make the final determination~~s~~ as to whether a trainee has successfully ~~passed~~ completed all reasonable standards and requirements of the training course ~~of training~~. The ~~training-coordinator~~ school director shall also have the authority to dismiss from the school any trainee prior to the completion of the course if, in the ~~training-coordinator's~~ school director's opinion, the trainee is unable or unwilling to successfully complete the prescribed ~~course of training~~ course. Immediately upon such dismissal~~-action~~, the school ~~coordinator~~ director shall submit a written report to the Council and the trainee's ~~department~~ agency head with a detailed explanation of the action. (7-1-93)(6-11-02)T

~~e03.~~ **Records.** The school ~~coordinator~~ director shall maintain complete records on each trainee~~-and upon successful completion of the training, submit a "Record of Training Attendance" to each attending officer. A~~ Within seven (7) days of completion of the school, he shall submit the original copy of the "Police School POST Course Attendance Roster" ~~shall be forwarded to the Council for transcript and file purposes within seven (7) days after completion of the school~~ POST Regional Training Specialist. (7-1-93)(6-11-02)T

~~156. SUMMARY OF STEPS FOR SCHOOL FORMATION.~~

- ~~01. Select School Coordinator.~~ (7-1-93)
- ~~02. Select Facilities.~~ (7-1-93)
- ~~03. Develop Rules Of School.~~ (7-1-93)
- ~~04. Select Instructors.~~ (7-1-93)
- ~~05. Certification.~~ Apply for certification on "Application for School Certification" form one (1) week prior to starting date. Include ~~course outline and description; the time period to be devoted to each subject area; a statement about the law enforcement personnel to whom the school is directed; and "Instructor Certification Application" when applicable.~~ (7-1-93)
- ~~06. Record.~~ Forward "Record of Training Attendance" to the officer who attended and "Police School Attendance Roster" to the Council within seven (7) days after school completion. (7-1-93)

~~288. – 295. (RESERVED).~~

~~296. CERTIFICATION OF HIGH LIABILITY SCHOOLS.~~

In addition to the requirements set forth in Sections 281 through 287 of these rules, the requirements in Sections 296 through 298 are necessary for evaluation of the request for certification of a high liability school. (6-11-02)T

**297. REQUIREMENTS.**

**01. Determination of High Liability.** The POST Training Specialist shall have the discretion to make the determination whether the school includes an element of risk or potential damage or injury to the trainees, property, or a third party not directly involved with the school. If such a determination is made, some or all of the following may be required: (6-11-02)T

**a.** Course evaluations from past participants or from agencies having direct knowledge of the course content and presentation; (6-11-02)T

**b.** A list of past participants having direct knowledge of the course content and presentation; (6-11-02)T

**c.** Documentation of certification of the school in other states; (6-11-02)T

**d.** A complete lesson plan, to include: (6-11-02)T

**i.** How the material relates to Idaho Code; (6-11-02)T

**ii.** Any applicable court rulings; (6-11-02)T

**iii.** Any content warnings or precautions; (6-11-02)T

**iv.** A safety plan; and (6-11-02)T

**v.** A legal review. (6-11-02)T

**e.** A demonstration of the course for the POST Training Specialist and/or a subject matter expert who shall evaluate the content and presentation. (6-11-02)T

**02. Specialized Equipment.** Any associated costs or specialized equipment needed for the evaluation process shall be provided by the applicant at the time of application. (6-11-02)T

**03. Liability Disclaimer.** A liability disclaimer indemnifying the state of Idaho may be required as a condition of POST-certification of the school. (6-11-02)T

**298. COURSE EVALUATION FEE.**

**01. Fee Schedule.** The entity making application shall be charged a course evaluation fee at the time of application. The course evaluation fee schedule is as follows: (6-11-02)T

**a.** The fee for evaluating a one (1) to four (4) hour course shall be two hundred dollars (\$200). (6-11-02)T

**b.** The fee for evaluating a five (5) to eight (8) hour course shall be four hundred dollars (\$400). (6-11-02)T

**c.** The fee for evaluating a nine (9) to sixteen (16) hour course shall be six hundred dollars (\$600). (6-11-02)T

**d.** The fee for evaluating a seventeen (17) to twenty-four (24) hour course shall be eight hundred dollars (\$800). (6-11-02)T

**e.** The fee for evaluating a twenty-five (25) to forty (40) hour course shall be one thousand dollars

(\$1,000). (6-11-02)T

**f.** The fee for evaluating a course in excess of forty (40) hours shall be a combination of the above as determined by the POST Executive Director. (6-11-02)T

**02.** **Exception.** The course evaluation fee shall not be charged for courses developed and conducted by governmental agencies. (6-11-02)T

**03.** **Waiver.** The course evaluation fee may be waived in whole or in part at the discretion of the POST Executive Director. (6-11-02)T

**299. – 305. (RESERVED).**

**306. CERTIFICATION OF SCHOOLS UTILIZING ALTERNATIVE METHODS OF TRAINING DELIVERY.**

**307. ALTERNATIVE METHODS OF TRAINING DELIVERY.**

Alternative methods of training delivery shall include, but not be limited to, the following types of technology: (6-11-02)T

**01. Videotape:** (6-11-02)T

**02. Television-Based:** (6-11-02)T

**03. Computer-Based:** (6-11-02)T

**a. Simulator:** (6-11-02)T

**04. Web-Based:** (6-11-02)T

**a. Distance learning:** (6-11-02)T

**b. On-line interactive; and** (6-11-02)T

**05. Correspondence.** (6-11-02)T

**308. GENERAL PROVISIONS.**

**01. Minimum Length.** Each course shall be a minimum of two (2) hours in length. (6-11-02)T

**02. Notification.** Notification of approval or denial of the request for certification shall be sent in the form of a letter from the POST Regional Training Specialist to the applicant. If approval is granted, the letter shall indicate how many POST training hours shall be awarded for completion of the training. (6-11-02)T

**03. Examinations.** (6-11-02)T

**a.** Upon completion of the course, each trainee shall be given an examination to assess their knowledge of the course material. The examination shall be proctored by an Idaho POST-certified instructor or a subject matter expert approved by POST prior to the examination. (6-11-02)T

**b.** Only those trainees receiving a passing score on the examination shall be awarded POST training hours for the course. (6-11-02)T

**04. POST Training Credit.** To receive credit on their POST training record, the trainee shall submit the following to POST: (6-11-02)T

**a.** The certificate of completion; (6-11-02)T

b. A signed statement from their agency head verifying participation and completion of the course. (6-11-02)T

**05. Falsification Of Information.** The POST Council may proceed with decertification proceedings against any officer who falsifies any information. (6-11-02)T

**06. Liability Disclaimer.** A liability disclaimer indemnifying the state of Idaho shall be printed on all commercially-developed or distributed training materials certified by POST Council. (6-11-02)T

**309. REQUIREMENTS.**

In addition to the requirements set forth in Sections 281 and 282 of these rules, the requirement in Sections 306 through 311 are necessary for evaluation of the request for certification of a school utilizing an alternative method of training delivery. (6-11-02)T

**01. Training Medium.** The training medium utilized shall be indicated on the Application for Certification of School. (6-11-02)T

**02. Specialized Equipment.** Any specialized equipment, software, network access, etc. needed for the evaluation process shall be provided to POST free-of-charge by the applicant at the time of application. (6-11-02)T

**03. Course Evaluation Fee.** A course evaluation fee shall be charged pursuant to Section 298 of these rules. (6-11-02)T

**310. RECORDS.**

A course file shall be maintained by the applicant and shall be readily available to POST Council. The file shall include: (6-11-02)T

**01. Name.** The name of the course provider; (6-11-02)T

**02. The Lesson Plan;** (6-11-02)T

**03. Objectives.** The course learning objectives; (6-11-02)T

**04. Hours Awarded.** The number of POST training hours awarded; (6-11-02)T

**05. Attendance.** The attendance policy and the methodology for ascertaining and validating trainee attendance and participation, such as secure password, attendance roster, encrypted passcode, etc. (6-11-02)T

**06. Assessment Record.** The trainee assessment record; (6-11-02)T

**07. Certificate Of Completion.** The names of the trainees awarded a certificate of completion and the date they completed the course; and (6-11-02)T

**08. Course Evaluations.** The Course Evaluations By The Trainees. (6-11-02)T

**311. CERTIFICATES OF COMPLETION.**

The applicant shall issue a certificate of completion to each trainee successfully completing the training course. The certificate shall include the following information: (6-11-02)T

**01. Course Provider.** The name of the course provider; (6-11-02)T

**02. Trainee.** The name of the trainee successfully completing the course; (6-11-02)T

**03. Date.** The date the trainee completed the course; (6-11-02)T

**04. Hours.** The number of course hours completed; and (6-11-02)t

**05. Course Administrator.** The name of the person responsible for the general administration of the course. (6-11-02)T

**312. – 320. (RESERVED).**

**~~157~~321. VOCATIONAL LAW ENFORCEMENT PROGRAM CERTIFICATION/RE-CERTIFICATION STANDARDS.**

**01. Purpose.** The purpose of this policy is to verify that the entity seeking vocational law enforcement certification/recertification is in compliance with all standards established by the Department of Education for such programs and by POST for the operation of a basic course. A program seeking certification must first be approved by the Peace Officer Standards and Training Council prior to beginning the certification process. Entities seeking certification and previously certified vocational law enforcement programs are subject to scheduled and unscheduled visits by field training specialists and other members of the Peace Officer Standards and Training Council in which adherence to certification standards will be evaluated. Vocational law enforcement program certification is valid for two (2) years and expires on June 30th of the second year after the program was certified. In order to maintain certified status a vocational law enforcement program must successfully complete the recertification process prior to the expiration date. (7-1-99)

**02. Process.** (7-1-99)

**a.** The POST Regional Training Specialist will provide guidance and assistance to the prospective vocational law enforcement program by identifying the requirements for certification, and providing an estimate of what needs to be accomplished prior to formally requesting vocational law enforcement program certification status. (7-1-99)

**b.** A staff member of Peace Officer Standards and Training will establish a mutually agreeable date for an on-site inspection with the program coordinator and conduct the on-site assessment for vocational law enforcement program certification. (7-1-99)

**c.** A vocational law enforcement program which has been certified is subject to scheduled and unscheduled visits by the field training specialist and other members of the Peace Officer Standards and Training Council to check items required for continued certification. (7-1-99)

**d.** If at any time it is determined that the certified vocational law enforcement program does not meet one (1) or more certification standards, the program will be given a reasonable amount of time to correct the situation, not to exceed sixty (60) days, unless an extension is granted by the POST Council certification committee. The program coordinator will receive written notification of the standards which have not been met and the date when a reassessment will be conducted. (7-1-99)

**e.** A staff member of Peace Officer Standards and Training will conduct the reassessment. If one (1) or more of the standards still have not been met, the Administrator or Board Chairman of the vocational law enforcement program will be notified in writing that upon reassessment the standard has not been met. The program will have a maximum of sixty (60) days to comply with all certification standards, unless an extension is granted by the POST Council certification committee. (7-1-99)

**f.** A staff member of Peace Officer Standards and Training will conduct the second reassessment. If the program is still not in compliance with all certification standards at the time of the second reassessment, the matter will be referred to the POST Council Certification Committee. The committee will review the findings of the second reassessment in which the program was not in compliance with all certification standards and make a recommendation to the POST Council. (7-1-99)

**g.** The POST Council will review the recommendation of the POST Council Certification Committee, giving both the vocational law enforcement program and the POST Council Certification Committee an opportunity to make a verbal presentation, and, based upon all pertinent information, recommend appropriate action. (7-1-99)

**h.** Certification is valid for two (2) years from the date of certification. Vocational law enforcement program certification expires on June 30th of the second year after the program was certified. In order to maintain certification status, a program must successfully complete a recertification process prior to the expiration of the original certification. The recertification will extend the expiration date for two (2) years. (7-1-99)

**03. Definitions.** (7-1-99)

**a.** Vocational Law Enforcement Program. A college/university vocational law enforcement program certified by the Idaho Department of Education with a curriculum based on POST performance objectives for basic training. The curriculum must include the minimum instruction in each topic as described in the POST Rules. (7-1-99)

**b.** Program Coordinator. An individual designated by the college/university who is responsible for the conduct and operation of training conducted by the vocational law enforcement program. (7-1-99)

**c.** Vocational Law Enforcement Program Facility. A facility in which training programs are conducted. It houses classrooms and offices for instructors and staff. Other facilities such as a firing range, driver training track, multipurpose training areas, library and satellite locations are considered to be part of such facility but need not be located at the same site. (7-1-99)

**d.** Satellite Facility. A facility, located away from the certified vocational law enforcement program facility, which the certified program uses to conduct forty (40) hours or more of mandated training per year. This definition specifically excludes firing ranges, driver training sites and physical fitness or arrest techniques sites which may be located away from the certified program facility. (7-1-99)

**e.** Temporary Training Facility. A facility, located away from the certified vocational law enforcement program facility, which the certified program uses to conduct less than forty (40) hours of mandated training per year. This definition specifically excludes firing ranges, driver training sites and physical fitness or arrest techniques sites which may be located away from the certified program facility. (7-1-99)

**f.** POST Council Certification Committee. The POST Council Certification Committee reviews the certification and recertification standards and recommends changes as necessary to the POST Council. This committee also reviews the circumstances and facts surrounding the non-compliance with certification standards by any certified vocational law enforcement program in order to make a recommendation to POST Council. This committee is composed of five (5) members selected by the POST Council Chairman. (7-1-99)

**g.** Directive. A written statement of policy procedure or rule/regulation addressing certification standards, and made available for inspection and guidance in the operation of the program. (7-1-99)

**04. Administration.** (7-1-99)

**a.** A vocational law enforcement program shall have an advisory board or committee composed of criminal justice executives of several area agencies/organizations, including the POST Executive Director or his designee. (7-1-99)

**b.** Vocational law enforcement programs shall maintain a training record/file on each student attending the program. This file shall include records pertaining to that student while attending that program sufficient to document that all performance objectives have been successfully completed. (7-1-99)

**c.** Vocational law enforcement programs shall maintain an administrative file that pertains to each class it conducts. This file shall include curriculum/schedule, attendance records, discipline records, counseling records, test-answer sheets, and course evaluation or summary. This file may be combined with the training record/file on each student file specified above at the discretion of the program. (7-1-99)

**d.** Vocational law enforcement programs shall have a policy on the minimum and maximum number of students in classes. (7-1-99)

i. Mandated training will not be conducted for classes of less than six (6) students nor more than thirty-five (35). (7-1-99)

ii. Exceptions to this standard may be granted by the POST Training Specialist in the region where the vocational law enforcement program is located. A written request shall be submitted to the POST Training Specialist and shall specify the reasons why an exception is necessary. The POST Training Specialist shall evaluate the request to determine if sufficient cause exists to grant an exception. If an exception is granted, the POST Training Specialist will document the exception in writing to the program coordinator and forward a copy to the Executive Director of Peace Officer Standards and Training. (7-1-99)

e. Vocational law enforcement programs shall comply with all administrative procedures set forth in applicable rules promulgated by the POST Council. (7-1-99)

f. Vocational law enforcement programs shall comply with all requirements of the Idaho Department of Education and the individual institution. (7-1-99)

g. Vocational law enforcement programs shall have a policy for post-graduation evaluation of entry-level training. (7-1-99)

i. Shall occur from six (6) months to one (1) year after leaving the program. (7-1-99)

ii. Shall assess the job-relatedness of entry-level training. (7-1-99)

**05. Facility.** (7-1-99)

a. A vocational law enforcement program shall have scheduled access to a firing range which shall include: (7-1-99)

i. Shotgun/tear gas capabilities; (7-1-99)

ii. Adequate facilities for courses prescribed by POST Council; and (7-1-99)

iii. Adequate storage facility for ammunition at the vocational law enforcement program or range. Facility should have posted signs in accordance with law and should be protected from illegal entry and fire. (7-1-99)

b. Ranges shall have at least five (5) firing points if used for basic training. (7-1-99)

c. Vocational law enforcement programs shall be adequately equipped with first-aid equipment. (7-1-99)

**06. Instruction.** (7-1-99)

a. All instructors must be POST-certified instructors and/or meet the minimum standards established by POST Council within a school calendar year. (7-1-99)

b. The vocational law enforcement program shall establish quality control methods for ensuring adequate instruction, to include: (7-1-99)

i. Written student evaluations of instructors; and (7-1-99)

ii. Lesson plans for all training courses required to be on file at the vocational law enforcement program. (7-1-99)

(1) Review of curricula and lesson plans to ensure they are in compliance with POST Council requirements. (7-1-99)

- (2) Lesson plans shall be updated on an annual basis. (7-1-99)
- iii. Periodic and random monitoring of instruction provided to ensure that: (7-1-99)
- (1) Lesson plans are being used; (7-1-99)
- (2) Appropriate audio-visual aids are available and used properly; (7-1-99)
- (3) The instructor is holding student attention; (7-1-99)
- (4) The instructor is in control of the students; (7-1-99)
- (5) The instructor is addressing the objectives; and (7-1-99)
- (6) Classroom conditions such as lighting, noise levels and temperature are acceptable. (7-1-99)
- iv. Appropriate action is taken to follow up on any student complaints regarding instructors or the training process. (7-1-99)
- v. Results of testing are analyzed and evaluated. (7-1-99)
- c.** The vocational law enforcement program shall maintain an up-to-date copy of the POST Rules Manual provided by Peace Officer Standards and Training. (7-1-99)
- d.** The vocational law enforcement program shall comply with all instruction standards established by POST. (7-1-99)
- 07. Satellite Facility.** (7-1-99)
- a.** A satellite facility is a facility, located away from the certified vocational law enforcement program facility, which the certified program uses to conduct more than forty (40) hours of mandated training per year. This definition specifically excludes firing ranges, driver training sites, and physical fitness or arrest techniques sites which may be located away from the certified program facility. (7-1-99)
- i. All satellite facilities where mandated training is conducted must meet the standards in the facilities portion of this policy. (7-1-99)
- ii. Satellite facilities must be approved by POST as meeting the standards for facilities before any credit can be awarded for mandated training which is conducted in such a facility. (7-1-99)
- 08. Conduct And Behavior.** (7-1-99)
- a.** Any vocational law enforcement student not meeting the POST minimum standards for employment will not be given the final test. (7-1-99)
- b.** The vocational law enforcement program shall have a policy on integrity. This should include dishonesty, untruthfulness, or discourtesy to include acts of academic dishonesty and plagiarism. This policy must be reviewed with all vocational law enforcement students upon entry into the program. (7-1-99)
- c.** The vocational law enforcement program shall have a policy on social contact between staff, instructors, and students. Associations with vocational school staff must be professional in nature at all times. Students should be expressly prohibited from having social contact, either on or off campus, with any vocational staff or instructor(s) at the vocational law enforcement program. (7-1-99)
- d.** Other standards for conduct and behavior that shall be addressed by the vocational law enforcement program shall include: (7-1-99)



- i. Disrupting class; (7-1-99)
- ii. Misconduct; (7-1-99)
- iii. Truthfulness; (7-1-99)
- iv. Courtesy; (7-1-99)
- v. Bigotry; (7-1-99)
- vi. Sexual harassment; (7-1-99)
- vii. Regard for the safety of others; and (7-1-99)
- viii. Sleeping in class. (7-1-99)

~~158322.~~ -- ~~169333.~~(RESERVED).

~~170334.~~ **STANDARDS FOR CONDUCT AND BEHAVIOR OF POST BASIC TRAINEES.**

**01. Objective.** To state in general terms and standards of conduct required of POST Basic trainees; designate the authority for establishing specific requirements of attendees; and make reference to the specific requirements and their acceptance by attendees. (7-1-93)

**02. Policy Statement.** (7-1-93)

**a.** As representatives of law enforcement agencies, all trainees are expected to conduct themselves in a manner which will bring credit to the profession. Standards of behavior must reflect good taste, courtesy, consideration and respect for the rights and privileges of fellow trainees and the Idaho Police Academy faculty and community. (7-1-93)

**b.** Dishonesty, untruthfulness, or discourtesy must not be tolerated. Any conduct detrimental to the conduct, efficiency or discipline of the academy, whether or not specifically stated in the instructions, is prohibited and can be cause for disciplinary action or dismissal from the academy. (7-1-93)

**c.** For any infraction of the rules, while attending the Academy, the trainee's chief, sheriff, or department head will be made aware of such infraction. (7-1-93)

**d.** The POST Council shall determine the specific requirements relating to residency, equipment and supplies, and conduct while at the academy. These requirements will accompany the letter of acceptance to the applicant's agency. (7-1-93)

**e.** Registration at the academy by the attendee shall constitute acceptance by such attendee of the specific requirements and of the general standards stated above. (7-1-93)

~~171335.~~ **SELF-SPONSORED STUDENT PROGRAM SELECTION STANDARDS.**

**01. Requirement.** Every Self-Sponsored Student shall meet the minimum standards for employment (Sections 050 through 063) of this manual. (3-20-97)

**02. Procedures.** (3-20-97)

**a.** The applicant shall be required to complete and submit to the POST Council a comprehensive application and personal history packet, along with two (2) sets of fingerprints on FBI applicant fingerprint cards. A non-refundable application fee is required and must accompany the application. (3-20-97)

**b.** In order to determine the applicant's suitability as a Self-Sponsored Student, the POST Council

shall conduct a thorough criminal and personal history background investigation. The fingerprint cards shall be submitted to the Bureau of Criminal Identification, which shall use one (1) set to conduct a statewide search, and shall forward the other set to the FBI for a national criminal history record check. All results of the background investigation will be considered confidential and processed accordingly. (3-20-97)

c. The applicant must also successfully complete a polygraph, psychological evaluation, physical agility test, and a Police Officer Selection written examination approved by POST Council. (3-20-97)

~~#2336~~ -- 999. (RESERVED).

## **IDAPA 11 - IDAHO STATE POLICE**

### **11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS**

**DOCKET NO. 11-1102-0201**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 7, 2002 Idaho Administrative Bulletin, Volume 02-8, pages 24 through 25.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Michael N. Becar at (208) 884-7251.

**DATED** this 21st day of August, 2002.

Michael N. Becar, Executive Director  
Idaho State Police  
Peace Officer Standards and Training Council  
700 South Stratford Drive  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7251 / (208) 884-7295 (FAX)

---

### **IDAPA 11, TITLE 11, Chapter 02**

#### **RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative  
Bulletin, Volume 02-8, August 7, 2002, pages 24 through 25.**

**This rule has been adopted as a pending rule by the Agency and is now pending  
review and approval by the 2003 Idaho State Legislature as a final rule.**

## **IDAPA 11 - IDAHO STATE POLICE**

### **11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS**

**DOCKET NO. 11-1103-0201**

**NOTICE OF RULEMAKING**

**PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is October 1, 2001. This pending rule has been adopted by the agency and is now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Additional language added to distinguish between mandatory and voluntary certification and establish effective dates.

The proposed rule has been amended in response to public comment, and is being amended pursuant to Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Idaho Peace Officer Standards and Training Council amended the temporary rule with the same revisions which have been made to the proposed rule.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the June 5, 2002 Idaho Administrative Bulletin, Volume 02-6, pages 36 through 39.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Michael N. Becar at (208) 884-7251.

DATED this 21st day of August, 2002.

Michael N. Becar  
Executive Director  
Idaho State Police  
Peace Officer Standards and Training Council  
700 South Stratford Drive  
P.O. Box 700  
Meridian, ID 83680-0700  
(208) 884-7250  
(208) 884-7295 (FAX)

IDAPA 11  
TITLE 11  
Chapter 03

RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING  
COUNCIL FOR JUVENILE PROBATION OFFICERS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 02-6, June 5, 2002, pages 36 through 39.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2003 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 11-1103-0201

*SUBSECTIONS 010.06 AND 010.07*

010. DEFINITIONS.

**06. Mandatory Certification.** To issue a certificate to a juvenile probation officer based upon successful completion of the mandatory training requirements established by POST Council. (10-01-01)T

**067. Voluntary Certification.** To issue a certificate to a juvenile probation officer based upon successful completion of the voluntary training requirements established by POST Council. (10-1-01)T

**(BREAK IN CONTINUITY OF SECTIONS)**

*SUBSECTIONS 030.02, 030.02.a., 030.02.b., AND 030.02.c.*

030. JUVENILE PROBATION OFFICER CERTIFICATION.

02. **Certification.** The following dates govern voluntary and mandatory certification: (10-01-01)T(10-01-01)T

a. From October 1, 2001 through September 30, 2003, any county Juvenile Probation Officer may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 031 or 032. (10-01-01)T(10-01-01)T

**b.** If employed after October 1, 2003, any juvenile probation officer shall be certified by obtaining mandatory certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a juvenile probation officer. ~~(10-01-01)T~~

**b.c.** Juvenile probation officers employed prior to October 1, 2003, shall comply with the training and certification provisions of Section 030 by September 30, 2005, however, the requirement for successful completion of the POST Basic Juvenile Probation Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on a challenge examination administered by POST and any other requirements for ~~voluntary~~ certification. The officer will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If the ~~juvenile probation~~ officer fails both attempts, the officer must successfully complete the POST Basic Juvenile Probation Academy to be certified. ~~(10-01-01)T~~(10-01-01)T

### **SUBSECTION 031.01**

#### **031. THE BASIC CERTIFICATE.**

The following requirements are necessary for award of the basic certificate:

(10-1-01)T

**01. ~~Employment~~ Probation.** The applicant must have completed at least a six (6) month satisfactory probationary period (may include basic training academy time). Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may not extend over one (1) year for certification purposes. ~~(10-1-01)T~~(10-1-01)T

### **SUBSECTION 032.04**

#### **032. CHALLENGE PROCEDURE.**

Any juvenile probation officer employed by an Idaho juvenile probation department who has, within the last five (5) years, been employed by another county, state, or the federal government as a juvenile probation officer or a student who has satisfactorily completed a Basic Juvenile Probation Academy equivalent to Idaho's POST Basic Juvenile Probation Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Probation Academy, provided the officer:

(10-1-01)T

**04. Probation Period.** Satisfactorily completes the ~~employment~~ probationary period, as required by Subsection 031.01. ~~(10-1-01)T~~(10-1-01)T

## **IDAPA 11 - IDAHO STATE POLICE**

### **11.12.01 - RULES GOVERNING RECORD CHECKS FOR TRANSFERS OF HANDGUNS**

#### **DOCKET NO. 11-1201-0201 (REPEAL OF CHAPTER)**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** These pending rules have been adopted by the agency and are now pending review by the 2003 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that his agency has adopted a pending. The action is authorized pursuant to Title 67, Chapter 30, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rule was published in the June 5, 2002, Administrative Bulletin, Volume 02-06, page 40. The proposed rule is intended to repeal the entire chapter due to changes in federal law making it null and void and of no force and effect.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Robert Taylor, Bureau of Criminal Identification, at (208) 884-7132.

DATED this 12th day August, 2002.

Margaret P. White  
Deputy Attorney General  
Idaho State Police  
P.O. Box 700, Meridian, ID 83680-0700  
(208) 884-7050 / (208) 884-7090 (FAX)

---

### **IDAPA 11, TITLE 12, Chapter 01**

#### **RULES GOVERNING RECORDS CHECKS FOR TRANSFERS OF HANDGUNS**

**There are no substantive changes from the proposed rule text.**

**This chapter is repealed in its entirety.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 02-6, June 5, 2002, page 40.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2003 Idaho State Legislature as a final rule.**

# Subjects Affected Index

## IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

### 02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

#### Docket No. 02-0403-0204

004. Incorporation By Reference.....	22
010. Definitions.....	23
011. Abbreviations.....	24
012. -- 014. (Reserved).....	24
186. Actinomycosis And Actinobacillosis (Lump Jaw).....	24
187. -- 189. (Reserved).....	25
190. Poultry And Ratites.....	25
191. Record Requirements.....	25
192. Inspections.....	25
193. NPIP Certificates Of Participation.....	25
194. -- 199. (Reserved).....	25

### 02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY

#### Docket No. 02-0403-0205

220. Trichomoniasis Control And Eradication Program.....	26
221. Trichomoniasis Testing Identification.....	29
222. Bulls For Sale.....	29
223. Imported Bulls.....	29
224. Public Grazing.....	30
225. Infected Bulls And Herds.....	30
226. Movement Of Infected Animals.....	31
227. Treatment Of Infected Bulls.....	31
228. Official Laboratories.....	31
229. Official Trichomoniasis Tests.....	31
230. Registered Veterinarians.....	31
231. Reporting Of Test Results And Official Identification.....	32
232. Rodeo Bulls.....	32
233. Feeding Bulls Of Unknown Trichomoniasis Status.....	32
234. -- 349. (Reserved).....	33
990. Penalties.....	33
991. -- 999. (Reserved).....	33

### 02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT

#### Docket No. 02-0416-0201

010. Definitions.....	35
300. Liquid Waste Systems.....	36
500. Odor Management Plans.....	37
602. Response To Complaints.....	38
702. Odor Emissions Caused By An Act Of God.....	38
900. Penalties.....	38

### 02.04.20 - RULES GOVERNING BRUCELLOSIS

#### Docket No. 02-0420-0201

004. Incorporation By Reference.....	40
101. Official Vaccination.....	40
103. Official Identification Of Cattle And Domestic Bison.....	40
105. Livestock Market Release.....	41
106. -- 119. (Reserved).....	41
250. Content Of Records For Approved Feedlots.....	41

### 02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS



**Docket No. 02-0421-0201**

004. Incorporation By Reference.....	43
050. Requirements Of Title 9, Parts 71, 75, 77, 78, 85, 145, 147, And 161, CFR.....	43
051. Post Entry Inspections.....	43
100. Certificates Or Permit Required.....	44
107. Animals Exposed To Disease Or Originating In A Quarantined Area.....	44
110. General Duties Of Carrier.....	44
111. Additional Import Requirements.....	44
112. -- 199. (Reserved).....	44
200. Importation Of Cattle Into Idaho.....	45
201. When Permits Are Required For Cattle.....	45
210. Brucellosis Vaccination Requirements.....	45
240. Tuberculosis Test Requirements.....	46
260. Trichomoniasis.....	47
290. Domestic Bison.....	47
400. Importation Of Swine.....	47
401. Brucellosis Requirements.....	48
402. Pseudorabies Requirements.....	48
600. Importation Of Domestic Cervidae.....	49
601. Testing Requirements.....	49
602. Individual Identification.....	50
603. Destination.....	50
608. -- 699. (Reserved).....	50
702. Poultry Hatching Eggs.....	50
704. Ratite Hatching Eggs.....	51
706. Wildfowl Hatching Eggs.....	51

**02.04.22 - RULES GOVERNING ANIMAL HEALTH EMERGENCIES**

**Docket No. 02-0422-0201**

000. Legal Authority.....	53
001. Title And Scope.....	53
002. Written Interpretations.....	53
003. Administrative Appeal.....	53
004. Incorporation By Reference.....	53
005. Address, Office Hours, Telephone, And Fax Numbers.....	53
006. Idaho Public Records Act.....	53
007. -- 009. (Reserved).....	53
010. Definitions.....	53
011. Abbreviations.....	55
012. -- 049. (Reserved).....	55
050. Cooperation With USDA.....	55
051. Circumstances Of An Animal Health Emergency.....	55
052. Declaration Of An Animal Health Emergency.....	55
053. Quarantine Authority.....	55
054. Utilization Of Vaccination In Animal Health Emergencies.....	55
055. -- 099. (Reserved).....	55
100. Quarantine Procedures For An Animal Health Emergency.....	56
101. Quarantine Area.....	56
102. Quarantine Area Security.....	56
103. Quarantine Area Bio-Security.....	56
104. Animal Movement In Quarantine Area.....	56
105. Sale Of Diseased Or Exposed Animals Not Allowed.....	56
106. Exposure Of Another's Animals Not Allowed.....	56

107. Movement Or Sale Of Animal Products.....	56
108. -- 199. (Reserved).....	56
200. Restrictions On Animals From Areas Or States Affected By Emergency Diseases.....	57
201. Animals In Transit At Time Of Declared Emergency.....	57
202. -- 299. (Reserved).....	57
300. Condemnation Of Infected, Exposed, Or Susceptible Animals.....	57
301. -- 399. (Reserved).....	57
400. Depopulation Of Animals.....	57
401. Method Of Depopulation.....	57
402. Time Limit For Depopulation.....	57
403. -- 499. (Reserved).....	57
500. Compensation For Appraised Animals.....	57
501. Compensation For Animals Destroyed.....	57
502. Appraisal Procedure For Animals Depopulated.....	57
503. Time Limit For Appraisal.....	58
504. -- 599. (Reserved).....	58
600. Compensation For Labor Employed.....	58
601. Compensation For Property Destroyed.....	58
602. -- 699. (Reserved).....	58
700. Cleaning And Disinfection Of Premises.....	58
701. Cleaning And Disinfection Of Animal Conveyance.....	58
702. -- 989. (Reserved).....	58
990. Penalty For Violations.....	58
991. -- 999. (Reserved).....	58
<b>02.06.00 - NOTICE OF LEGISLATIVE ACTION AFFECTING THE ADMINISTRATIVE RULES OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE, DIVISION OF PLANT INDUSTRIES</b>	
Docket No. <b>02-0600-0201</b>	
<b>02.06.05 - RULES GOVERNING DISEASES OF HOPS (<i>HUMULUS LUPULUS</i>)</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	60
001. Title And Scope.....	60
004. Incorporation By Reference.....	60
005. Office - Office Hours - Mailing Address And Street Address.....	60
006. Public Records Act Compliance.....	60
007. Findings.....	60
008. -- 009. (Reserved).....	60
010. Definitions.....	60
011. (Reserved).....	61
012. Regulated Pests.....	61
013. -- 049. (Reserved).....	61
450. Penalty.....	61
<b>02.06.07 - RULES GOVERNING WHITE ROT DISEASE OF ONION (<i>SCLEROTIUM CEPIVORUM</i>)</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	61
001. Title And Scope.....	61
002. Written Interpretations.....	61
003. Administrative Appeal.....	61
004. Incorporation By Reference.....	61
005. Office - Office Hours - Mailing Address And Street Address.....	62
006. Public Records Act Compliance.....	62

007. Findings.....	62
008. -- 009. (Reserved).....	62
010. Definitions.....	62
011. (Reserved).....	62
012. Regulated Pest.....	62
300. Penalty.....	62
<b>02.06.11 - RULES GOVERNING EUROPEAN CORN BORER (<i>OSTRINIA NUBILALIS</i>)</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	63
001. Title And Scope.....	63
002. Written Interpretations.....	63
003. Administrative Appeal.....	63
004. Incorporation By Reference.....	63
005. Office - Office Hours - Mailing Address And Street Address.....	63
006. Public Records Act Compliance.....	63
007. Findings.....	63
008. -- 009. (Reserved).....	63
010. Definitions.....	63
011. (Reserved).....	63
012. Regulated Pest.....	63
013. -- 049. (Reserved).....	63
150. Violations.....	64
<b>02.06.14 - RULES GOVERNING ANNUAL BLUEGRASS (<i>POA ANNUA</i>)</b>	
Docket No. <b>02-0600-0201</b>	
001. Title And Scope.....	64
004. Incorporation By Reference.....	64
005. Office - Office Hours - Mailing Address And Street Address.....	64
006. Public Records Act Compliance.....	65
007. Findings.....	65
008. -- 009. (Reserved).....	65
010. Definitions.....	65
011. -- 049. (Reserved).....	65
150. Regulated Articles.....	66
200. Rules Governing Planting Of Regulated Articles.....	66
450. Penalty.....	66
<b>02.06.15 - RULES GOVERNING PEACH TREE DISEASES</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	66
001. Title And Scope.....	66
002. Written Interpretations.....	66
003. Administrative Appeal.....	67
004. Incorporation By Reference.....	67
005. Office - Office Hours - Mailing Address And Street Address.....	67
006. Public Records Act Compliance.....	67
007. Findings.....	67
008. -- 009. (Reserved).....	67
010. Definitions.....	67
011. (Reserved).....	67
012. Regulated Pests.....	67
013. -- 049. (Reserved).....	67

100. Regulated Articles.....	67
101. -- 149. (Reserved).....	67
150. Restrictions Governing Shipments.....	67
151. -- 199. (Reserved).....	67
200. Official Certificate Requirements.....	68
300. Penalty.....	68
<b>02.06.17 - RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES</b>	
Docket No. <b>02-0600-0201</b>	
001. Title And Scope.....	68
004. Incorporation By Reference.....	68
005. Office - Office Hours - Mailing Address And Street Address.....	68
006. Public Records Act Compliance.....	69
007. Findings.....	69
008. -- 009. (Reserved).....	69
010. Definitions.....	69
011. -- 049. (Reserved).....	69
150. Penalty.....	69
<b>02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	70
004. Incorporation By Reference.....	70
005. Office - Office Hours - Mailing Address And Street Address.....	70
006. Public Records Act Compliance.....	70
007. Findings.....	70
008. -- 009. (Reserved).....	71
010. Definitions.....	71
011. (Reserved).....	71
012. Regulated Pests.....	71
013. -- 049. (Reserved).....	72
210. Greenhouses.....	72
350. Penalty.....	72
<b>02.06.20 - RULES GOVERNING GRAPE PLANTING STOCK</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	73
001. Title And Scope.....	73
002. Written Interpretations.....	73
003. Administrative Appeal.....	73
004. Incorporation By Reference.....	73
005. Office - Office Hours - Mailing Address And Street Address.....	73
006. Public Records Act Compliance.....	74
007. -- 009. (Reserved).....	74
010. Definitions.....	74
011. -- 049. (Reserved).....	74
250. Authority To Enter, Inspect, And Control.....	74
300. Penalty.....	74
<b>02.06.24 - RULES GOVERNING THE JAPANESE BEETLE (POPILLIA JAPONICA)</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	75
001. Title And Scope.....	75
002. Written Interpretations.....	75

003. Administrative Appeal.....	75
004. Incorporation By Reference.....	75
005. Office - Office Hours - Mailing Address And Street Address.....	75
006. Public Records Act Compliance.....	75
007. Findings.....	75
008. -- 009. (Reserved).....	75
010. Definitions.....	75
011. (Reserved).....	75
012. Regulated Pest.....	75
013. -- 049. (Reserved).....	75
200. Penalty.....	76
<b>02.06.26 - RULES GOVERNING SEED POTATO CROP MANAGEMENT AREAS</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	76
004. Incorporations By Reference.....	76
007. Findings.....	76
008. -- 009. (Reserved).....	76
010. Definitions.....	76
011. Abbreviations.....	77
012. -- 019. (Reserved).....	77
450. Penalty.....	77
<b>02.06.29 - RULES GOVERNING NON-NATIVE PHYTOPHAGOUS SNAILS</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	77
001. Title And Scope.....	77
004. Incorporation By Reference.....	77
005. Office -- Office Hours -- Mailing Address And Street Address.....	78
006. Public Records Act Compliance.....	78
007. Findings.....	78
008. -- 009. (Reserved).....	78
010. Definitions.....	78
011. (Reserved).....	78
012. Regulated Pests.....	78
013. -- 014. (Reserved).....	78
020. Regulated Articles.....	79
045. Penalty.....	79
<b>02.06.32 - RULES GOVERNING THE ANTHRACNOSE DISEASE OF LENTIL, LENS CULINARIS MEDIK</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	79
004. Incorporation By Reference.....	79
005. Office - Office Hours - Mailing Address And Street Address.....	79
006. Public Records Act Compliance.....	80
007. Findings.....	80
008. -- 009. (Reserved).....	80
010. Definitions.....	80
011. -- 049. (Reserved).....	80
350. Penalty.....	80
<b>02.06.35 - RULES GOVERNING ROUGH BLUEGRASS (POA TRIVIALIS)</b>	
Docket No. <b>02-0600-0201</b>	

001. Title And Scope.....	80
004. Incorporation By Reference.....	81
005. Office - Office Hours - Mailing Address And Street Address.....	81
006. Public Records Act Compliance.....	81
007. Findings.....	81
008. -- 009. (Reserved).....	81
010. Definitions.....	81
011. Rough Bluegrass Quarantine - Regulated Articles.....	82
012. -- 049. (Reserved).....	82
102. Rough Bluegrass Quarantine - Inspections.....	82
151. Penalty.....	82
<b>02.06.36 - RULES GOVERNING KARNAL BUNT DISEASE OF WHEAT, RYE, AND TRITICALE</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	82
004. Incorporation By Reference.....	83
005. Office -- Office Hours -- Mailing Address And Street Address.....	83
006. Public Records Act Compliance.....	83
007. Findings.....	83
008. -- 009. (Reserved).....	83
010. Definitions.....	83
011. -- 049. (Reserved).....	83
150. Penalty.....	83
<b>02.06.38 - RULES GOVERNING PLUM CURCULIO (<i>CONOTRACHELUS NENUPHAR</i>)</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	84
001. Title And Scope.....	84
004. Incorporation By Reference.....	84
005. Office - Office Hours - Mailing Address And Street Address.....	84
006. Public Records Act Compliance.....	84
007. Findings.....	84
008. -- 009. (Reserved).....	84
010. Definitions.....	84
011. -- 049. (Reserved).....	84
050. Regulated Pest.....	84
250. Penalty.....	85
<b>02.06.40 - RULES GOVERNING GINSENG CROP MANAGEMENT AREA FOR MAGIC VALLEY</b>	
Docket No. <b>02-0600-0201</b>	
000. Legal Authority.....	85
001. Title And Scope.....	85
004. Incorporation By Reference.....	85
005. Office - Office Hours - Mailing Address And Street Address.....	85
007. Findings.....	86
008. -- 009. (Reserved).....	86
010. Definitions.....	86
011. -- 049. (Reserved).....	87
453. Penalty.....	87
<b>02.06.06 - RULES GOVERNING THE PLANTING OF BEANS, (<i>PHASEOLUS</i>) SPECIES, IN IDAHO</b>	
Docket No. <b>02-0606-0202</b> (Fee Rule)	
000. Legal Authority.....	91
001. Title And Scope.....	91

002. Written Interpretations.....	91
003. Administrative Appeal.....	91
004. Incorporation By Reference.....	91
005. Office -- Office Hours -- Mailing Address And Street Address.....	91
006. Public Records Act Compliance.....	92
007. Findings.....	92
008. -- 009. (Reserved).....	92
010. Definitions.....	92
011. Abbreviations.....	93
012. Regulated Pests.....	93
013. -- 049. (Reserved).....	93
050. Regulated Articles.....	93
051. -- 099. (Reserved).....	93
100. Authority To Enter And Inspect.....	93
101. -- 149. (Reserved).....	93
150. Inspection.....	93
151. -- 199. (Reserved).....	94
200. Requirements For Planting Bean Seed In Idaho.....	94
201. -- 249. (Reserved).....	96
250. Trial Grounds.....	96
251. -- 299. (Reserved).....	97
300. Special Situations.....	97
301. -- 349. (Reserved).....	97
350. Detection, Identification, And Reporting Of Regulated Pests.....	97
351. -- 399. (Reserved).....	97
400. Disposition Of Diseased Seed And Infected Fields.....	97
401. -- 449. (Reserved).....	97
450. Exemptions.....	97
451. -- 499. (Reserved).....	98
500. Penalty.....	98
501. -- 549. (Reserved).....	98
550. Fees And Charges.....	98
551. -- 999. (Reserved).....	99

**IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS**

**05.01.03 - RULES OF THE CUSTODY REVIEW BOARD**

**Docket No. 05-0103-0201**

000. Legal Authority.....	101
001. Title And Scope.....	101
002. Written Interpretations.....	101
003. Administrative Appeals.....	101
004. Incorporation By Reference.....	101
005. Office -- Office Hours -- Mailing Address And Street Address.....	101
006. Public Records Act Compliance.....	101
007. -- 009. (Reserved).....	101
010. Definitions.....	102
015. -- 099. (Reserved).....	102
100. General Provisions.....	102
101. Powers And Duties.....	103
102. Structure And Composition Of The Custody Review Board.....	103
103. -- 199. (Reserved).....	104
200. Review Process.....	104

201. Referral Of Cases To The Board.....	104
202. Persons To Attend Or Comment.....	105
203. Conflict Of Interest.....	105
204. -- 299. (Reserved).....	105
300. Opinions Of Board.....	105
301. -- 399. (Reserved).....	106
400. Victims.....	106
401. -- 999. (Reserved).....	106

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.01 - RULES OF BUILDING SAFETY - GENERAL**

**Docket No. 07-0301-0201**

000. Legal Authority.....	107
001. Title And Scope.....	108
004. -- 010. (Reserved).....	108
011. Definitions.....	108
013. Right Of Entry.....	110
014. Work Proceeding Without Permit Or Approval.....	110
020. Jurisdiction For Plan Checking Of State Buildings.....	110
021. Manufactured Home.....	111
022. -- 999. (Reserved).....	111

**07.03.02 - RULES OF THE ADVISORY BOARD**

**Docket No. 07-0302-0201**

000. Legal Authority.....	112
001. Title And Scope.....	112
015. Appeals.....	113
016. Duties Of Executive Director.....	113
017. Recommended Changes To Adopted Codes And Standards.....	113
018. -- 999. (Reserved).....	113

**07.03.03 - RULES GOVERNING MANUFACTURED BUILDINGS**

**Docket No. 07-0303-0201**

000. Legal Authority.....	114
001. Title And Scope.....	115
010. Definitions.....	115
011. Enforcement And Administration.....	115
012. Alternates And Equivalents.....	116
013. Permits.....	116
014. Plans.....	116
015. Inspections.....	116
016. Local Enforcement Agencies.....	118
017. Insignia.....	118
018. Fee Schedule.....	120
019. Snow Loads.....	120
020. Reciprocal Agreements.....	120
021. -- 999. (Reserved).....	120

**07.03.05 - RULES GOVERNING MANUFACTURED HOMES**

**Docket No. 07-0305-0201**

000. Legal Authority.....	121
001. Title And Scope.....	122
011. Construction And Safety Standards.....	122



012. Inspections .....	122
013. Fees .....	123
014. -- 999. (Reserved).....	123
 <b>07.03.06 - RULES GOVERNING THE USE OF THE UNIFORM BUILDING CODE</b>	
Docket No. <b>07-0306-0201</b>	
000. Legal Authority .....	125
001. Title And Scope.....	125
004. Adoption And Incorporation By Reference.....	125
005. -- 009. (Reserved).....	125
010. Permits.....	125
011. Building Permit Fees.....	125
012. Refund Of Permit Fees.....	126
013. Plan Review.....	126
014. Refund Of Plan Review Fees.....	127
015. Jurisdiction Of Manufactured Buildings And Commercial Coaches.....	127
016. Addenda And Change Orders.....	127
017. -- 999. (Reserved).....	127
 <b>07.03.07 - RULES GOVERNING THE USE OF THE INTERNATIONAL ENERGY CONSERVATION CODE</b>	
Docket No. <b>07-0307-0202</b> (New Chapter)	
000. Legal Authority .....	130
001. Title And Scope.....	130
002. Written Interpretations.....	130
003. Administrative Appeals.....	130
004. Adoption And Incorporation By Reference.....	130
005. -- 999. (Reserved).....	130
 <b>07.03.08 - RULES GOVERNING COMMERCIAL COACHES</b>	
Docket No. <b>07-0308-0201</b>	
000. Legal Authority .....	131
001. Title And Scope.....	132
010. Definitions.....	132
011. Definition Of "Commercial Coach" Clarified.....	132
012. Adoption Of Codes/Construction Requirements.....	133
013. Enforcement And Administration.....	133
014. Alternates And Equivalents.....	133
015. Inspection.....	133
016. Plans.....	134
017. Insignia.....	135
018. Fee Schedule.....	136
019. Snow Loads.....	136
020. Reciprocal Agreements.....	136
021. -- 999. (Reserved).....	136
 <b>07.03.10 - RULES GOVERNING USE OF THE INTERNATIONAL RESIDENTIAL CODE</b>	
Docket No. <b>07-0310-0202</b>	
000. Legal Authority .....	139
001. Title And Scope.....	139
002. Written Interpretations.....	139
003. Administrative Appeals.....	139
004. Adoption And Incorporation By Reference.....	139
005. -- 999. (Reserved).....	139

**07.03.12 - RULES GOVERNING MANUFACTURED HOME INSTALLATIONS**Docket No. **07-0312-0201**

000. Legal Authority.....	141
001. Title And Scope.....	141
004. Adoption And Incorporation By Reference.....	141
005. Application - Compliance.....	141
012. Use Of Manufacturers' Installation Instructions.....	141
013. Installation Permits And Inspections Required.....	141
014. Supervision By Responsible Managing Employee.....	142
015. License Suspension Or Revocation.....	142

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION****08.02.02 - RULES GOVERNING UNIFORMITY**Docket No. **08-0202-0201**

011. Technology Standards.....	143
--------------------------------	-----

Docket No. **08-0202-0202**

050. Idaho Interim Certificate.....	145
-------------------------------------	-----

Docket No. **08-0202-0203**

004. Incorporation By Reference.....	148
230. Driver Education.....	148

**08.02.03 - RULES GOVERNING THOROUGHNESS**Docket No. **08-0203-0202**

111. Assessment In The Public Schools.....	149
--	-----

Docket No. **08-0203-0203**

107. High School Graduation Standards (Effective July 1, 2000).....	154
856. Glossary Of Humanities Terms.....	155
857. Idaho Humanities Standards.....	157
868. Standard One.....	158
869. Critical Thinking In The Visual And Performing Arts.....	159
870. Standard Two.....	159
871. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts.....	161
872. Standard Three.....	161
873. -- 882. (Reserved).....	162
886. Critical Thinking In Foreign Language Study.....	162
887. Standard Two.....	163
888. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In Foreign Language Study.....	163
889. Standard Three.....	163
901. Historical And Cultural Contexts Of Visual And Performing Arts Disciplines.....	163
902. Standard One.....	163
903. Critical Thinking In The Visual And Performing Arts.....	164
904. Standard Two.....	164
905. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills In The Visual And Performing Arts.....	166
906. Standard Three.....	166
908. -- 916. (Reserved).....	168
920. Critical Thinking In Foreign Language Study.....	168
921. Standard Two.....	168
937. Critical Thinking In The Visual And Performing Arts.....	169

938. Standard Two..... 169

939. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills  
In The Visual And Performing Arts..... 170

940. Standard Three..... 170

941. -- 950. (Reserved)..... 172

954. Critical Thinking In Foreign Language Study..... 172

955. Standard Two..... 172

956. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In Foreign Language Study..... 173

957. Standard Three..... 173

960. Interdisciplinary Humanities - Grades 9 Through 12, Sections 961 Through 966..... 173

961. Historical And Cultural Contexts Of Interdisciplinary Humanities..... 173

962. Standard One..... 173

963. Critical Thinking In Interdisciplinary Humanities..... 174

964. Standard Two..... 174

965. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In The Interdisciplinary Humanities..... 174

966. Standard Three..... 174

969. Visual And Performing Arts - Grades 9 Through 12, Sections 970 Through 975..... 175

970. Historical And Cultural Contexts Of Visual And Performing Arts Disciplines..... 175

971. Standard One..... 175

972. Critical Thinking In The Visual And Performing Arts..... 176

973. Standard Two..... 176

974. Acquisition, Application, And Expression Of Specific Content Knowledge And Skills  
In The Visual And Performing Arts..... 178

975. Standard Three..... 178

976. -- 986. (Reserved)..... 181

987. Foreign Language - Grades 9 Through 12, Sections 988 Through 993..... 182

988. Historical And Cultural Contexts Of Foreign Language Study..... 182

989. Standard One..... 182

990. Critical Thinking In Foreign Language Study..... 182

991. Standard Two..... 182

992. Acquisition, Application, And Expression Of Specific Content Knowledge  
And Skills In Foreign Language Study..... 182

993. Standard Three..... 183

Docket No. **08-0203-0204**

669. Language Arts/Communications Standards..... 184

670. Language Arts/Communications Standards - Kindergarten, Sections 671 Through 675..... 185

671. Reading..... 185

672. Writing..... 186

673. Listening..... 186

674. Speaking..... 187

675. Viewing..... 187

680. Reading..... 187

681. Writing..... 189

682. Listening..... 190

683. Speaking..... 190

688. Language Arts/Communications Standards - Grade 2, Sections 689 Through 693..... 191

689. Reading..... 191

690. Writing..... 192

691. Listening..... 192

692. Speaking..... 193

697. Language Arts/Communications Standards - Grade 3, Sections 698 Through 702.....	193
698. Reading.....	193
699. Writing.....	195
700. Listening.....	195
701. Speaking.....	196
702. Viewing.....	196
706. Language Arts/Communications Standards - Grade 4, Sections 707 Through 711.....	197
707. Reading.....	197
708. Writing.....	198
709. Listening.....	199
710. Speaking.....	199
715. Language Arts/Communications Standards - Grade 5, Sections 716 Through 720.....	200
716. Reading.....	200
717. Writing.....	201
718. Listening.....	202
719. Speaking.....	202
724. Language Arts/Communications Standards - Grade 6, Sections 725 Through 729.....	203
725. Reading.....	203
726. Writing.....	204
727. Listening.....	205
728. Speaking.....	206
729. Viewing.....	206
733. Language Arts/Communications Standards - Grade 7, Sections 734 Through 738.....	207
734. Reading.....	207
735. Writing.....	208
736. Listening.....	209
737. Speaking.....	210
742. Language Arts/Communications Standards - Grade 8, Sections 743 Through 747.....	210
743. Reading.....	210
744. Writing.....	212
745. Listening.....	213
746. Speaking.....	213
747. Viewing.....	214
753. Writing.....	214

**IDAPA 09 - IDAHO DEPARTMENT OF LABOR****09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**Docket No. **09-0104-0201**

040. Recoveries.....	216
----------------------	-----

**IDAPA 11 - IDAHO STATE POLICE****11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL**Docket No. **11-1101-0201**

004. Incorporation By Reference.....	219
010. Definitions.....	219
050. Minimum Standards For Employment.....	221
051. Character.....	221
052. Criminal Record.....	222
053. Military Record.....	223
061. Code Of Conduct/Code Of Ethics.....	223
071. Basic Training Academy.....	223
073. College Education.....	223

079. The Patrol-To-Detention Transition Academy Training Curriculum.....	224
080. Jail Training.....	225
081. Agreement To Serve.....	225
090. Certification Of Peace, Detention, Juvenile Detention, And Juvenile Probation Officers.....	226
091. Introduction.....	226
092. Lapse Of Peace Officer Certification.....	227
093. Peace Officer Certification.....	228
094. General Provisions.....	228
095. Law Enforcement Experience.....	229
096. College Credits.....	229
097. The Basic And Part-Time Basic Certificate.....	229
098. Challenging The Basic Patrol Academy.....	230
099. -- 105. (Reserved).....	230
106. Higher Certification.....	230
107. Intermediate Certificate.....	231
108. Advanced Certificate.....	231
109. -- 115. (Reserved).....	232
116. Career-Level Certification.....	232
117. Supervisor Certificate.....	233
118. Master Certificate.....	233
119. Management Certificate.....	233
120. Executive Certificate.....	234
121. -- 129. (Reserved).....	235
130. Level I Reserve Peace Officer Certification.....	235
131. General Provisions.....	235
132. Level I Reserve Certification.....	236
133. Minimum Training Requirements.....	236
134. Level I Reserve Certification Packet.....	239
135. Level I Reserve Certification Examination.....	239
136. Challenging The Level I Reserve Core Curriculum.....	239
137. -- 145. (Reserved).....	240
146. Level I Reserve Marine Deputy Certification.....	240
147. Minimum Training Requirements.....	241
148. Level I Reserve Marine Deputy Certification Packet.....	243
149. Level I Reserve Marine Deputy Certification Examination.....	243
150. Challenging The Level I Reserve Marine Deputy Core Curriculum.....	243
151. -- 160. (Reserved).....	243
161. Non-Certified Reserve Officers.....	243
162. General Provisions.....	243
163. Level II Reserve Officer.....	244
164. Certificate Of Completion.....	244
165. Minimum Training Requirements.....	244
166. Level III Reserve Officer.....	244
167. -- 170. (Reserved).....	244
171. Lapse Of Detention Officer Certification.....	244
172. Detention Officer Certification.....	246
173. General Provisions.....	246
174. Law Enforcement Experience.....	247
175. College Credits.....	247
176. The Level I Certificate.....	247
177. Challenging The Basic Detention Academy.....	248
178. -- 185. (Reserved).....	248

186. Higher Certification.....	248
187. Level II Certificate.....	249
188. Level III Certificate.....	249
189. -- 195. (Reserved).....	250
196. Communications Specialist Certification.....	250
197. General Provisions.....	250
198. Communications Specialist Experience.....	250
199. Level I Certificate.....	250
200. Level II Certificate.....	251
201. Level III Certificate.....	251
202. Advanced Certificate.....	251
203. -- 210. (Reserved).....	252
211. Canine Team Certification.....	252
212. Definitions.....	252
213. General Provisions.....	252
214. -- 218. (Reserved).....	253
219. Patrol Dogs.....	253
220. Certification Test.....	253
221. Performance Objectives.....	253
222. Suspect Search.....	253
223. Apprehension.....	253
224. Handler Protection.....	254
225. Obedience-Agility.....	254
226. -- 230. (Reserved).....	254
231. Tracking Dogs.....	254
232. Evidence Search Dogs.....	255
233. -- 235. (Reserved).....	255
236. Detection Dogs.....	255
237. Certification Test.....	255
238. Test Criteria.....	255
239. Substances.....	255
240. Controlled Substances.....	256
241. Explosive Substances.....	256
242. Testing Procedure.....	257
243. -- 249. (Reserved).....	257
250. Instructor Certification.....	257
251. General Provisions.....	257
252. Requirements For Instructors Of Law Enforcement Subjects.....	258
253. Requirements For Instructors Of General Subjects Pertinent To Law Enforcement Personnel.....	258
254. Procedures.....	259
255. Expiration.....	259
256. Renewal.....	259
257. -- 265. (Reserved).....	260
266. Master Instructor Certification.....	260
267. Requirements.....	260
268. Procedures.....	261
269. Expiration And Renewal.....	261
270. -- 275. (Reserved).....	261
276. Instructor Reimbursement.....	261
277. -- 280. (Reserved).....	261
281. School Formation And Certification.....	261
282. General Provisions.....	261

283. Examinations.....	262
284. Certificates Of Completion.....	262
285. School Certification.....	262
286. Procedures.....	263
287. The School Director.....	263
288. – 295. (Reserved).....	264
296. Certification Of High Liability Schools.....	264
297. Requirements.....	265
298. Course Evaluation Fee.....	265
299. – 305. (Reserved).....	266
306. Certification Of Schools Utilizing Alternative Methods Of Training Delivery.....	266
307. Alternative Methods Of Training Delivery.....	266
308. General Provisions.....	266
309. Requirements.....	267
310. Records.....	267
311. Certificates Of Completion.....	267
312. – 320. (Reserved).....	268
321. Vocational Law Enforcement Program Certification/Recertification Standards.....	268
322. -- 333. (Reserved).....	272
334. Standards For Conduct And Behavior Of Post Basic Trainees.....	272
335. Self-sponsored Student Program Selection Standards.....	272
336. -- 999. (Reserved).....	273
 <b>11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS</b>	
Docket No. <b>11-1103-0201</b>	
010. Definitions.....	276
030. Juvenile Probation Officer Certification.....	276
031. The Basic Certificate.....	277
032. Challenge Procedure.....	277

# Bulletin Summary of Proposed Rulemakings

---

## PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

### **IDAPA 02 – DEPARTMENT OF AGRICULTURE 2270 Old Penitentiary Rd, Boise, ID 83712**

**02-0403-0204**, Rules Governing Animal Industry. Provides for certification, inspections, and record keeping for the poultry and ratite industries pursuant to the National Poultry Improvement Plan. Comment by: 10/23/02.

**\*\*02-0403-0205**, Rules Governing Animal Industry. Establishes timeframes and deadlines regarding Trichomoniasis testing and reporting. Comment by: 10/23/02.

**\*\*02-0416-0201**, Rules Governing Agriculture Odor Management. Adds definitions, revises requirements and procedures for design and construction for liquid waste systems. Comment by: 10/23/02.

**\*\*02-0422-0201**, Rules Governing Animal Health Emergencies. New chapter governs procedures, requirements, and the declaration of an animal health emergency in Idaho. Comment by: 10/23/02.

**02-0600-0201**, Notice of Legislative Action. Complies with state law affecting the legal authority of the rules of the Division of Plant Industries; adds required sections. Comment by: 10/23/02.

**02-0606-0201**, Rules Concerning Bacterial Diseases of Beans, *Phaseolus* Species. Repeal of chapter. Comment by: 10/23/02.

**02-0606-0202**, Rules Governing the Planting of Beans, (*Phaseolus*) Species, in Idaho. Rewrite of chapter updates rules and adds late fee for applications received after July 1 of each year. Comment by: 10/23/02.

### **IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS PO Box 83720, Boise, ID 83720-0285**

**05-0103-0201**, Rules of the Idaho Department of Juvenile Correction Custody Review Board. New chapter implements the operations and procedures of the board as required by law. Comment by: 10/23/02.

### **IDAPA 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642**

**07-0301-0201**, Rules of Building Safety – General; **07-0302-0201**, Rules of the Advisory Board; **07-0303-0201**, Rules Governing Manufactured Buildings; **07-0305-0201**, Rules Governing Manufactured Homes; **07-0308-0201**, Rules Governing Commercial Coaches. Changes conform to statutory changes to Idaho Building Code Act under Title 39, Chapter 41, Idaho Code. Comment by: 10/23/02.

**07-0306-0201**, Rules Governing the Use of the Uniform Building Code. Adopts and incorporates by reference the 2000 International Building Code. Comment by: 10/23/02.

**07-0307-0201**, Rules Governing Certification; **07-0310-0201**, Rules Governing the Use of the Life Safety Code. Repeal of chapters. Comment by: 10/23/02.

**07-0307-0202**, Rules Governing Certification. New chapter prescribes the use of the 2000 International Energy



Conservation Code. Comment by: 10/23/02.

**07-0310-0201**, Rules Governing the Use of the International Residential Code. New chapter adopts and incorporates by reference the use of the 2000 International Residential Code. Comment by: 10/23/02.

**07-0312-0201**, Rules Governing Manufactured Home Installations. Changes accommodate new or revised provisions relative to foundations contained within the recently adopted 2000 International Building Code and HUD's Permanent Foundations Guide For Manufactured Housing. Comment by: 10/23/02.

### **IDAPA 08 – IDAHO STATE BOARD OF EDUCATION**

**PO Box 83720, Boise, ID 83720-0037**

08.02.02 - Rules Governing Uniformity: **08-0202-0201** - Requires that technology competency must be demonstrated before being granted a renewed certificate; **08-0202-0202** - Creates a process for out-of-state certificate holders to obtain an interim three-year, nonrenewable certificate in Idaho; **08-0202-0203** - Provides for minimum course standards for teen driver education and separates requirements for commercial and public school programs. Comment by: 10/23/02.

08.02.03 - Rules Governing Thoroughness: **08-0203-0202** - Removes requirement that nonpublic students take state tests at their own expense; designates standards tests be called Idaho Standards Achievement Tests, with distinctions by grade level. **08-0203-0203** - Rules Governing Thoroughness. Removes general statements of opinion in the preamble; makes adjustments to the Humanities standards and removes separate World History category. **08-0203-0204** - Ensures that Language Arts/Communication standards content knowledge and skills are grade appropriate. Comment by: 10/23/02.

### **IDAPA 09 – DEPARTMENT OF LABOR**

**317 W. Main St., Boise, ID 83735**

**09-0104-0201**, Rules of the Benefits Payment Control Bureau. Allows a write-off of minimal overpayment balances when collection costs exceed amount of debt or are overly burdensome administratively and may be excluded. Comment by: 10/23/02.

### **IDAPA 11 – IDAHO STATE POLICE**

**PO Box 700, Meridian, ID 83680-0700**

**11-1101-0201**, Rules of the Idaho Peace Officer Standards and Training Council. Defines “prosecutor”; allows Executive Director to waive less serious misdemeanor convictions; clarifies that rules apply to county juvenile probation officers; establishes the “Patrol-to-Detention Transition Academy”; requires officers challenging the academy to complete courses in Emergency Vehicle Operation, Arrest Techniques, Handgun Retention, and Practical Problems; clarifies requirements for different certifications and for reserve certification; enhances and establishes requirements for certification for communications specialist, Master Instructor, and schools utilizing alternate methods of training delivery. Comment by: 10/23/02.

### **IDAPA 13 – IDAHO FISH AND GAME COMMISSION**

**PO Box 25, Boise, ID 83707**

13-0103-021, Public Use of Lands Owned or Controlled by the Department of Fish and Game. Allows dog training and field trials on some department lands. Comment by: 10/23/02.

**13-0104-0201**, Rules Governing Licensing. Clarifies Landowner Appreciation and Handicapped Motor Vehicle Permit requirements, makes corrections to outfitter allocation tag and deadline. Comment by: 10/23/02.

**13-0107-0201**, Rules Governing the Taking of Upland Game Animals. Biennial season update and proposed closure of pygmy rabbit season. Comment by: 10/23/02.

**13-0109-0201**, Rules Governing the Taking of Game Birds. Annual season adjustments for game bird seasons. Comment by: 10/23/02.

**13-0113-0201**, Rules Governing the Taking of Migratory Birds. Annual season adjustments. Comment by: 10/23/02.

**13-0114-0201**, Rules Governing Falconry in the State of Idaho. Adds required sections; adjusts the falconry season based on the annual upland game and game bird seasons; allows for field training using artificially propogated birds. Comment by: 10/23/02.

**13-0115-0201**, Rules Governing the Use of Dogs. Clarifies the distinction between dog training and field trial permits. Comment by: 10/23/02.

**13-0116-0201**, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Biennial adjustment of trapping and furbearer seasons. Comment by: 10/23/02.

**IDAPA 15 – OFFICE OF THE GOVERNOR  
IDAHO COMMISSION ON AGING  
3380 Americana Terrace, Ste. 120, Boise, ID 83706**

**15-0101-0201**, rules Governing Senior Services Program. Amends references to the UAI provisions to provide that the assessment instrument utilized by AAAs will be such assessment instruments that may be approved by the Commission; amend references to the completion of client assessments to clarify that Case Management shall perform such assessments. Comment by: 10/23/02.

**15-0102-0201**, Rules Governing Area Agency Adult Protection Programs. Adds a definition; revises the investigative requirements to provide that AP workers immediately forward reports to the Department of Health and Welfare which are to be initially reported to the Department; revises the duty of AP workers requiring them to make referrals to Law Enforcement in substantiated cases involving serious injury or serious imposition of rights. Comment by: 10/23/02.

**15-0121-0201**, Rules Governing Older American Act Services. Revises the information and assistance services provisions to provide that Area Agencies on Aging rather than service providers shall maintain records required by the Idaho Commission on Aging regarding I&A services provided in their area. Comment by: 10/23/02.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE  
PO Box 83720, Boise, Id 83720-0036**

**16-0000-0201**, Notice of Legislative Action. Statutory change amended the Social Work Licensing Act and changed the titles of Licensed Certified Social Worker-Private Independent Practice (LCSW-P) to Licensed Clinical Social Worker (LCSW), and Licensed Certified Social Worker (LCSW) to Licensed Masters Social Worker (LMSW). Comment by: 10/23/02.

**16-0205-0201**, Rules Governing Human Immunodeficiency Virus (HIV) Related Services. New chapter guides the planning and disbursement of funds to provide HIV related services to eligible individuals for the federal Ryan White CARE Act and the state supported AIDS Drug Assistance Program (ADAP). Comment by: 10/23/02.

**16-0309-0210**, Rules Governing the Medical Assistance Program. Uses the term “participant” to replace “client” and “patient”; reduces the cost of nursing visits by leaving the decision for a review visit to a participant up to the professional judgment of the Regional Medicaid Services program; clarifies how a Personal Needs Allowance is determined. Comment by: 10/23/02.

**\*\*16-0309-0211**, Rules Governing the Medical Assistance Program. Changes maintain consistency of provider qualifications for Intensive Behavioral Intervention services delivered either through a school district or a developmental disabilities agency. Comment by: 10/23/02.

**16-0314-0201**, Rules and Minimum Standards for Hospitals in Idaho. Changes make rule consistent with the current national standards for hospital care and conform to federal regulations; The time frame requirement for hospitals to take a medical history and perform a physical examination is being expanded to no more than seven (7) days before or forty-eight (48) hours after hospital admission. Comment by: 10/23/02.

**16-0322-0201**, Rules for Licensed Residential and Assisted Living Facilities in Idaho. Changes conform to statutory changes; add "or authorized provider" to all sections which refer to a physician; update definitions; make updates regarding: inspection of facilities, unannounced inspections, resident's rights, administrator qualifications, negotiated service agreement, resident's records, menu planning, modified or therapeutic diets, and building construction and physical standards. Comment by: 10/23/02.

**\*\*16-0411-0201**, Rules Governing Developmental Disabilities Agencies. Clarifies provider qualifications for Intensive Behavioral Intervention certified providers who deliver services through a Developmental Disabilities Agency (DDA). Comment by: 10/23/02.

**IDAPA 17 – IDAHO INDUSTRIAL COMMISSION**  
**PO Box 83720, Boise, ID 83720-0043**

**17-0701-0201**, Safety Rules for Elevators, Escalators, and Moving Walks. Proposed that an owner shall hire a qualified elevator inspector of their choice, provide written notice to the Division of Building Safety of any new installations or any major alteration or repairs to be made to existing equipment installations and receive a state registration number from the Division of Building Safety to be permanently affixed to the equipment for which the notice was submitted; excepting installations or any major alteration or repairs in public schools and in state owned or occupied buildings where a Division of Building Safety inspector will witness inspections. The proposed rule changes include the addition of general requirements for emergency communications and records of oil loss for hydraulic cylinders buried in the ground. Comment by: 10/23/02.

**IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY**  
**708½ W. Franklin St., Boise, ID 83702**

**19-0101-0201**, Rules of the Idaho State Board of Dentistry. Requires CPR certification for initial licensure and renewal for dentists, dental specialists and dental hygienists; makes mandatory and increases the administrative fee for anesthesia permit applications, renewals and reinstatements to \$300; specifies that the duration of a provisional license cannot exceed 1 year; requires American Board dental specialty certification as of the date of application for specialty licensure in Idaho; requires advance training in anesthesiology within five (5) years of application for an anesthesia permit with identified exceptions; to correct a citation; and to provide for reinstatement of anesthesia permits. Comment by: 10/23/02.

**IDAPA 21 – IDAHO DIVISION OF VETERANS SERVICES**  
**320 Collins Rd., Boise, ID 83702**

**21-0101-0201**, Rules Governing Admission, Residency, And Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Clarifies certain nursing care eligibility requirements for admission to Idaho State Veterans Homes and changes the requirement that nursing care residents pay a \$100 security deposit. Comment by: 10/23/02.

**21-0102-0201**, Rules Governing Emergency Relief for Veterans. Clarifies who is eligible to receive Division emergency grants; changes certain eligibility requirements; provides the administrator of the Division with authority to waive certain emergency grant requirements; improves fiscal management; and clarifies who may make requests for reimbursement for state service officer training. Comment by: 10/23/02.

**21-0103-0201**, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes. Changes requirement that all veterans homes must charge the same and to provide a mechanism whereby veterans homes can write off uncollectable debts. Comment by: 10/23/02.

**21-0104-0201**, Rules Governing the Idaho State Veterans Cemetery. Establishes rules for the operation and maintenance of Idaho's new State Veterans Cemetery. Comment by: 10/23/02.

**IDAPA 22 – IDAHO STATE BOARD OF MEDICINE**  
**PO Box 83720, Boise, Idaho 83720-0058**

**\*\*22-0101-0201**, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Surgery. Defines requirements for continuing education for physicians, specifies the number of hours of education required in a two-year license cycle, identifies acceptable alternatives to continuing education and defines the method of reporting continuing education. Comment by: 10/23/02.

**22-0103-0201**, Rules for the Licensure of Physician Assistants. Updates the physician assistants' scope of practice; tightens the education requirements for a baccalaureate college degree and for the physician assistant program; more clearly defines graduate physician assistants with time limits imposed for completion of requirements for full licensure; addresses supervision of physician assistants who render care during a disaster or emergency. Comment by: 10/23/02.

**22-0105-0201**, Rules Governing Licensure of Physical Therapists and Physical Therapist Assistants. Corrects the term of office of the chairman of the Physical Therapy Advisory Committee; provides clarification regarding applicants who fail the examination and for those who apply for licensure by endorsement; clarifies requirements for reinstating an expired license. Comment by: 10/23/02.

**22-0109-0201**, Rules for the Licensure of Occupational Therapists and Occupational Therapists Assistants. Adds required sections; clarifies requirements for licensure and the fees required for reinstatement of inactive to active licensure; allows the Board to collect costs for extraordinary expenses related to license application; adds Occupational Therapy Code of Ethics. Comment by: 10/23/02.

**22-0113-0201**, Rules for the Licensure of Dietitians. Add required sections; adds definitions; allows for provisional licensure; clarifies the fees for reactivation of an inactive license and to require current certification by the CDR for license renewal. Comment by: 10/23/02.

**IDAPA 23 – IDAHO STATE BOARD OF NURSING  
PO Box 83720, Boise, ID 83720-0061**

**23-0101-0202**, Rule of the Idaho State Board of Nursing. Consolidates and renumbers existing rules and provides additional clarification and structure; replaces detailed listing of nursing functions for each category of licensure with a standard or model for decision making within a particular scope of process. Comment by: 10/23/02.

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES  
1109 Main St., Suite 220, Boise, ID 83702**

**24-0301-0201**, Rules of the State Board of Chiropractic Physicians. Changes expiration date and reinstatement of licenses and establishes requirement for licenses canceled over 5 years to conform to Idaho Code. Comment by: 10/23/02.

**24-0401-0201**, Rules of the Idaho State Board of Cosmetology. Clarifies high school education equivalent to be any test approved by the Department of Education; clarifies working floor space in a primary and contiguous establishment; establishes that no original license fee is required for relocation of a contiguous establishment within the same primary establishment; establishes requirements for: out of business shop; practical and written reexamination for cosmetology, electrology, esthetics and nail technician; and for instructor reexamination. Deletes models for nail technology exam may not have artificial nails. Comment by: 10/23/02.

**24-0501-0201**, Rules of the Board of Environmental Health Specialist Examiners. Repeal of chapter. Comment by: 10/23/02.

**24-0901-0201**, Rules of the Board of Examiners of Nursing Home Administrators. Deletes the reference under nursing home administrator-in-training requirement to the facility administrator not being the preceptor. Comment by: 10/23/02.

**24-1101-0201**, Rules of the State Board of Podiatry. Updates the Incorporation by Reference section to reflect current publication date; deletes reference to annual renewal date; changes passing grade on examination to 70%; and changes the standards of ethical practice shall be the American Podiatric Medical Association's Code of Ethics.

Comment by: 10/23/02.

**24-1201-0201**, Rules of the State Board of Psychologist Examiners. Adds that the reexamination fee shall be those charged by the national examining entity plus \$25 processing fee and change reciprocity fee to endorsement fee. Comment by: 10/23/02.

**24-1201-0202**, Rules of the State Board of Psychologist Examiners. Allows a one (1) year carryover of continuing education hours; deletes unnecessary record keeping requirement; require the training faculty to be on site and of adequate size; clarifies the definition of a professional psychology program. Comment by: 10/23/02.

**24-1401-0201**, Rules of the State Board of Social Work Examiners. Adds Bureau contact information; deletes obsolete social work classifications and establish current classifications and definitions to be in compliance with current law changes; adds the board/bureau contract is to include investigative, legal and fiscal responsibilities; clarifies reimbursement expenses for board members; deletes that expired licenses will cancel on July first; updates the classifications under fees to reflect those in the current law change; changes board meeting dates to be at least three (3) times each year and at such other times and places as deemed by the board; clarifies endorsement requirements; changes application deadline date to be at least ten (10) days prior to the next board meeting; clarifies continuing education requirements. Comment by: 10/23/02.

**24-1501-0201**, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. Adds an Incorporation by Reference for supervisors; adds postgraduate supervision requirement to be effective July 1, 2004; establishes counselor supervisor requirements; establishes acceptable supervised experience for a Clinical Professional Counselor, Pastoral Counselor and Marriage and Family Therapists; adds effective July 1, 2004 Marriage and Family Therapist must be registered with the board to provide post graduate supervision; deletes continuing education rules for Pastoral Counselor, Clinical Professional Counselor and Marriage and Family Therapists and incorporates all under one rule; delete rules for conditional counseling license; establishes requirements for registered interns. Comment by: 10/23/02.

**24-1601-0201**, Rules of the State Board of Dentistry. Inserts rules for Administrative Appeals, Incorporation by Reference; adds Bureau contact information; adds Public Records section; adds Bureau definition; adds the board may meet and have examinations at such other times as determined by the board; establishes the examination shall include a theory examination; establishes grading and reexamination requirements; establishes the reexamination fee shall be the same as the original examination fee. Comment by: 10/23/02.

**24-1701-0201**, Rules of the State Board of Acupuncture. Inserts rules for Incorporation by Reference; adds Bureau contact information; adds Public Records section; defines Bureau; updates qualification for licensure to be has received certification from NCCAOM; changes renewal of license to be in accordance with Section 67-2614, Idaho Code; establishes continuing education requirements; establishes waiver of continuing education requirements for an inactive license. Comment by: 10/23/02.

**24-1801-0201**, Rules of the Real Estate Appraiser Board. Updates Incorporation by Reference rule to reflect current publication date. Comment by: 10/23/02.

**24-1901-0201**, Rules of the Board of Examiners of Residential Care Facility Administrators. Further defines courses approved for continuing education; changes the requirement for renewal of a license to be in accordance with section 67-2614, Idaho Code; increases the license application fee to \$50 and deletes reference to recertification in annual renewal fee. Comment by: 10/23/02.

**24-1901-0202**, Rules of the Board of Examiners of Residential Care Facility Administrators. Establishes that an applicant for examination shall be required to register with and pay the examination fee to NAB; deletes the contents of examination; establishes that a passing score on the examination shall be determined by NAB; deletes requirement for retakes; adds approved courses of study to qualify for licensure. Comment by: 10/23/02.

**IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD**  
**1365 North Orchard, Suite 172, Boise, ID 83706**

**25-0101-0202**, Rules of the Outfitters and Guides Licensing Board. Defines “administrative noncompliance” to

address repeated failure to apply for license renewal in a timely manner or repeated failures to file a complete application and provides for administrative noncompliance to be included in the definition of unethical/unprofessional conduct; provides that the "Trainees Under Supervision" are boat trainees; clarifies that first aid cards must be in possession at all times while guiding; provides that first aid cards must be in possession at all times while guiding; includes proof of non-owner liability insurance as part of notification to the board when an outfitter utilizes equipment from another outfitter; provides for a single deadline for review of outfitter license applications and provides that outfitter applications to amend licenses will be reviewed by the Board within 90 days from receipt of the completed application; provides that an affidavit by the outfitter that the guide will have a valid first aid card while hunting must accompany guide applications; provides that the outfitter's name shall be visible on boats being used by that outfitter; provides for a reduction in the guide ratio for guided snowmachine activities; provides that in addition to granting or denying licenses, the Executive Director may suspend or revoke temporary authorizations, licenses and license amendments with the concurrence of the Board, clarifies that first aid cards are grounds for license denial and provides that the Executive Director may issue a temporary authorization to an applicant pending final approval and issuance of a license. Comment by: 10/23/02

**IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION  
PO Box 83720, Boise, ID 83720-0065**

**26-0120-0201**, Rules Governing the Administration of Park and Recreation Areas and Facilities. Adds definitions; describes compliance requirements and penalties for non-compliance; outlines park and campground requirements for use, reservations and fees and moorage use and fees; provides for designation of proper livestock use areas through proper signing; addresses the protection of wildlife and the protection of historical, cultural and natural resources; clarifies the authority for personal safety and use of firearms; direction for dealing with abandoned property; deletes numerous obsolete sections. Comment by: 10/23/02.

**IDAPA 27 – BOARD OF PHARMACY  
PO Box 83720, Boise, ID 83720-0067**

**27-0101-0202**, Rules of the Idaho Board of Pharmacy. Conforms to statutory changes and changes the time restriction for filing prescriptions for Schedule II controlled substances from 7 to 30 days after date of issue. Comment by: 10/23/02.

**27-0101-0203**, Rules of the Idaho Board of Pharmacy. Clarifies that students enrolled in pharmacy technician training courses and volunteers at hospital pharmacies may register and be authorized to act as pharmacy technicians even though they are not formally employed by the pharmacy; changes definition of pharmacy technician to one who is employed or otherwise authorized to participate in preparing, compounding, distributing, or dispensing of medications at a pharmacy. Comment by: 10/23/02.

**27-0101-0204**, Rules of the Idaho Board of Pharmacy. Allows continuing education units earned during June of any given licensing period to be carried over into the next licensing period to the extent the pharmacist's total hours for the given licensing period exceed that required by the rules. Comment by: 10/23/02.

**IDAPA 31 – PUBLIC UTILITIES COMMISSION  
PO Box 83720, Boise, ID 83720-0074**

**31-2101-0201**, The Utility Customer Relation Rules. Comment by: 9/25/02. Provides additional reasons for a utility to require a deposit from a residential customer or applicant and allows a utility to terminate service after normal business hours if the utility is unable to access the customer's meter during normal business hours. Comment by: 10/23/02.

**IDAPA 33 – IDAHO REAL ESTATE COMMISSION  
PO Box 83720, Boise, ID 83720**

**\*\*33-0101-0201**, Rules of the Idaho Real Estate Commission. Deletes definitions that were moved to statute on July 1, 2002; changes the requirement regarding display of license certificates in branch offices. Comment by: 10/23/02.

**\*\*33-0101-0202**, Rules of the Idaho Real Estate Commission. Eliminates the requirements that IREC collect a \$10

“administration fee” for handling the Errors and Omissions Group Insurance applications and that licensees file their “certificates of coverage” with the Commission, providing for self-certification subject to audit by the Commission. Comment by: 10/23/02.

**\*\*33-0102-0201**, Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases. Distinguishes the functions of investigator, prosecutor, and adjudicator and define the roles and prohibited contacts for each; sets forth the procedure for submission of the Executive Director’s investigation report to the Commissioners; expands the scope of discovery; and clarifies rights to disqualify the hearing officer designated by the agency. Comment by: 10/23/02.

**IDAPA 35 – STATE TAX COMMISSION  
PO Box 36, Boise, ID 83722**

**35-0101-0201**, Income Tax Administrative Rules. Updates incorporation by reference documents and various references to Idaho Code; numerous changes conform to statutory changes and deletes obsolete sections and references; addresses the residency status of a qualified funeral trust; identify the tax rates and income tax brackets for tax years beginning in 1987 through 2002; lists the adjustment for deductions related to nonbusiness income as an adjustment required only of multistate corporations, S corporations and partnerships; clarifies and updates allowable health care and insurance deductions, capital gains deductions, new employee credits, and grocery credits; addresses statute of limitations in the case of a duplicate return and to define what constitutes a duplicate return. Comment by: 10/23/02.

**35-0102-0202**, Sales and Use Tax Rules. Clarifies sales of used modular buildings are not exempted from tax; clarifies senior citizen centers that qualify for the exemption; passed by the 2002 Legislature enacted by HB 494. It also clarifies that a long-term care facility does not qualify for the exemption; clarify that a business qualifying for the exemption may produce either radio or television programs and that cable companies do not produce television programs and would not qualify for the exemption. Comment by: 10/23/02.

**35-0105-0201**, Motor Fuels Tax Administrative Rules. Updates references and deletes obsolete rules and references; clarify in Section 130.01 how fuel distributors are to report deductions for ethanol and biodiesel; combines the fuel use tax reporting for gasoline and special fuels under motor fuels; adds statute of limitations for filing fuel tax refund claims; clarify that IFTA licensees must claim IFTA nontaxable miles on their IFTA return. Comment by: 10/23/02.

**\*\*35-0105-0202**, Motor Fuels Tax Administrative Rules. Adds a standard power take-off (PTO) or auxiliary engine allowance for concrete pumping trucks and a new subsection to show the requirements for claiming a refund of the special fuels tax for special fuels consumed by a motor vehicle while idling off-highway. Comment by: 10/23/02.

**35-0201-0201**, Tax Commission Administration and Enforcement Rules. Identifies the interest rate for the calendar year 2003; addresses net operating loss and capital loss carrybacks and their effect on computing penalties; updates code references; adds agencies and officials with whom information may be exchanged. Comment by: 10/23/02.

**IDAPA 37 – DEPARTMENT OF WATER RESOURCES  
1301 N. Orchard, Boise, Idaho 83706**

**37-0203-0201**, Water Supply Bank Rules. Provides for deposit of water bank rental funds received from federal agencies into the federal grant fund. Comment by: 10/23/02.

**\*\*37-0303-0202**, Rules and Minimum Standards for the Construction and Use of Injection Wells in the State of Idaho. Implements the new federal requirements concerning large capacity cesspools and motor vehicle waste disposal wells. Comment by: 10/23/02.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT  
PO Box 7129, Boise ID 83707-1129**

**39-0273-0201**, Rules Governing Accident Prevention Course. Removes the prohibition on self-instructed courses and requirement that accident prevention courses be comprised of classroom or field driving instruction. Comment by: 10/23/02.

**39-0346-0201**, Rules Governing Studded Tires. Extends the allowable date for use of studded tires from April 15 to April 30, providing a safety benefit to travelers without adversely affecting pavement wear. Comment by: 10/23/02.

**39-0360-0201**, Rules Governing Outdoor Advertising. Addresses the regulation of electronic advertising such as multiple message signs and moveable message signs to meet the needs of the outdoor advertising industry while protecting the safety of the traveling public; clarifies the definition of commercial activity so that only legitimate commercial and industrial sites qualify as sign locations. Comment by: 10/23/02.

**IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION**

**PO Box 83720, Boise, ID 83720-0096**

**47-0101-0201**, General Administration (Rules of the Division of Vocational Rehabilitation). Rewrite of chapter incorporates all Division rules into one chapter. Comment by: 10/23/02.

**47-0102-0201**, Field Services; **47-0103-0201**, Management Services. Repeal of chapters. Comment by: 10/23/02.

**IDAPA 48 – DEPARTMENT OF COMMERCE**

**PO Box 83720, Boise ID 83720-0093**

**48-0103-0201**, Rules of the Idaho Regional Travel and Convention Grant Program. Revises and streamline the existing rules in regard to the grant application submittal and review process; updates application submittal to allow for electronic delivery. Comment by: 10/23/02.

**IDAPA 56 – IDAHO RANGELAND RESOURCES COMMISSION**

**PO Box 126, Emmett, ID 83617**

**56-0101-0201**, Rules of Administrative Procedure of the Idaho Rangeland Resources Commission. Creates a beginning date for commissioners' terms of appointment and clarifies that these terms continue until appointment of a successor. Comment by: 10/23/02.

**\*\*PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **October 2, 2002, Volume 02-10** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

**Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.**

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering see our website or call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: <http://www2.state.id.us/adm/adminrules/>



**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**This index tracks the history of all agency rulemakings from 1993 to the present.  
It includes all rulemaking activities on each chapter of rules  
and includes negotiated, temporary, proposed, pending  
and final rules, public hearing notices  
and vacated rulemaking notices.**

---

# Subject Index

## A

Abbreviations 93  
Abbreviations, IDAPA 02.04.22, Rules  
Governing Animal Health  
Emergencies 55  
Abbreviations, IDAPA 02.06.26, Rules  
Concerning Seed Potato Crop  
Management Areas 77  
Acceptable Alternatives 133  
Acceptable In Lieu Of Basic Training  
Academy 223  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In Foreign  
Language Study, Grades 6 - 8 173  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In Foreign  
Language Study, Grades 9 - 12 182  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In The  
Interdisciplinary Humanities, Grades  
9 - 12 174  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In The Visual  
And Performing Arts, Grades 4 -  
5 166  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In The Visual  
And Performing Arts, Grades 6 -  
8 170  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In The Visual  
And Performing Arts, Grades 9 -  
12 178  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In The Visual  
And Performing Arts, Grades K -  
3 161  
Acquisition, Application, And  
Expression Of Specific Content  
Knowledge And Skills In World  
History, Grades 9 - 12 181  
Acquisition, Application, And/  
Expression Of Specific Content  
Knowledge And Skills In Foreign  
Language Study, Grades K - 3 163

Actinomycosis And Actinobacillosis  
(Lump Jaw) 24  
Active Growth Inspection 94  
Addenda And Change Orders 127  
Additional Import Requirements 44  
Additional Training Or Education,  
Master Instructor Certification 261  
Administration 269  
Administrator 108  
Adoption Of Codes/Construction  
Requirements 133  
Advanced Certificate, Communications  
Specialist Experience 251  
Agreement To Serve 225  
Alteration 109  
Alteration Or Conversion 115, 119,  
132  
Alternates And Equivalents 116, 133  
Alternative Methods Of Technology  
Training Delivery, Certification Of  
Schools Utilizing Alternative  
Methods Of Training Delivery 266  
Alternatives Acceptable 116  
Animal Movement In Quarantine Area,  
Animal Health Emergencies 56  
Animals Exposed To Disease Of  
Originating In A Quarantined Area,  
The Importation Of Animals 44  
Animals In Transit At Time Of Declared  
Emergency, Animal Health  
Emergencies 57  
Animals Inspected, Swine, The  
Importation Of Animals 48  
Animals Removed From Feedlot, Rules  
Governing Brucellosis 41  
Annual Bluegrass 65  
Annual Bluegrass Analysis  
Certificate 65  
Anthraxnose 93  
Appeal Of Civil Penalty, Agriculture  
Odor Management 38  
Appeals 113  
Appeals Involving Conflict Of  
Codes 113  
Application - Compliance 141  
Application -- State Preemption 141  
Application For Insignia 119, 135  
Application For Inspection 94, 122  
Application For Nursery Inspection 82  
Application Provisions 127  
Application, POST Regional Training  
Specialist 259

Applications 98  
Applications, Communications  
Specialist Certification 250  
Applications, Instructor  
Certification 257  
Appraisal Procedure For Animals  
Depopulated, Animal Health  
Emergencies 57  
Apprehension, Patrol Dog Teams 253  
Approval For Adult Vaccination, Ruled  
Governing Brucellosis 40  
Approved Feedlot, The Importation Of  
Animals 46  
Approved Slaughter Establishments,  
Importation Of Cattle Into Idaho 45  
Approved Tag (Yellow Tag) 92  
Assessment In The Public Schools 149  
Assessment Of Civil Penalty,  
Agriculture Odor Management 38  
Assessment Schedule, August 1,  
2002 151  
Assignment Of Insignia 135  
Assist In Teaching, Master Instructor  
Certification 261  
Audit Instructor Course, Master  
Instructor Certification 261  
Authority To Enter And Inspect 93  
Authority To Enter, Inspect And  
Control 74

## B

Bacterial Wilt 93  
Basic Certificate, Training Council For  
Juvenile Probation Officers 277  
Basic Training Academy 223  
Basic Training, Basic And Part-Time  
Certificate 229  
Beans For Processing Or Fresh  
Consumption 98  
Beef, Permits Are Required For Cattle,  
The Importation Of Animals 45  
Bison, Shipments And Permits, The  
Importation Of Animals 47  
Board 108  
Board Opinions, Juvenile  
Corrections 103  
Brown Spot 93, 97  
Brucellosis Requirements, Breeding  
Swine 48  
Brucellosis Vaccination Requirements,  
The Importation Of Animals 45  
Building Code Inspector 109  
Building Permit Fees 125

- Bulls Consigned To Slaughter Or To An Approved Feedlot, Trichomoniasis Control And Eradication Program 28
- Bulls For Sale, Trichomoniasis Testing Identification 29
- Bulls In Northern Idaho, Trichomoniasis Control And Eradication Program 28
- Bulls In Public Grazing Allotments, Trichomoniasis Control And Eradication Program 27
- Bulls Purchased, Rodeo Bulls, Trichomoniasis Testing Identification 32
- Bulls Removed For Breeding Purposes, Rodeo Bulls, Trichomoniasis Testing Identification 32
- Bulls Removed For Slaughter, Rodeo Bulls, Trichomoniasis Testing Identification 32
- Bulls for Grazing, Imported Bulls, Trichomoniasis Testing Identification 30
- Bureau 23, 108
- C**
- Calculations And Test Procedures 118, 134
- Canine Team Certification 252
- Career-Level Certification, POST Training 232
- Case Management Team, Juvenile Corrections 102
- Case Manager, Juvenile Corrections 102
- Cases Eligible For Referral, Juvenile Corrections Board 104
- Cattle Consigned To Slaughter, The Importation Of Animals 46
- Cattle Consigned To Specifically Approved Livestock Markets, The Importation Of Animals 46
- Certificates And Awards 226
- Certificates And Awards, Communications Specialist Certification 250
- Certificates Of Completion, Alternative Methods Of Training Delivery 267
- Certificates Or Permit Required, Rules Governing The Importation Of Animals 44
- Certification Of High Liability Schools 264
- Certification Of Peace Officers 226
- Certification Of Schools Utilizing Alternative Methods Of Training Delivery 266
- Certification Test, Detection Dog Teams 255
- Certification Test, Patrol Dog Teams 253
- Certification Testing 110
- Certification, Training Council For Juvenile Probation Officers 276
- Certified Defined Generation 71
- Certified Defined Generation 2 (CDG-2) 71
- Certified Defined Generation 3 (CDG-3) 71
- Certified Defined Generation 4 (CDG-4) 71
- Certified In Another State, Commissioned By The Federal Government, Or A Graduate Of A Basic Police Academy, Level I Reserve Certification 239
- Certified In Another State, Commissioned By The Federal Government, Or A Graduate Of A Basic Police Academy, Level I Reserve Marine Deputy 243
- Certified In Idaho, Level I Reserve Certification 239
- Certified Supervisors 123
- Certified in Idaho, Level I Reserve Marine Deputy 243
- Challenge Procedure, Training Council For Juvenile Probation Officers 277
- Challenging The Basic Detention Academy, Patrol-To-Detention Transition Academy 248
- Challenging The Level I Reserve Core Curriculum 239
- Challenging The Level I Reserve Marine Deputy Core Curriculum 243
- Character/Criminal Record/Military Record Requirements 221
- Charges For Subpoena Of Witnesses 113
- Circumstances Of An Animal Health Emergency 55
- Citizenship 221
- City Or County Jurisdiction 141
- Clarification Of Code Section 118
- Cleaning And Disinfection Of Animal Conveyance, Animal Health Emergencies 58
- Cleaning And Disinfection Of Premises, Animal Health Emergencies 58
- Co-Instruct, Master Instructor Certification 261
- Code Adoption 127
- Code Of Conduct/Code Of Ethics, Law Enforcement 223
- Code Precedence 110
- College Credit 219
- College Credits, POST Training 229
- College Education Credits 223
- Commercial Coaches 136
- Commercial Schools 148
- Commissioner 23
- Common Blight 93
- Communications Specialist Certification 250
- Communications Specialist Experience 250
- Compensation For Animals Destroyed, Animal Health Emergencies 57
- Compensation For Appraised Animals, Animal Health Emergencies 57
- Compensation For Labor Employed, Animal Health Emergencies 58
- Compensation For Property Destroyed, Animal Health Emergencies 58
- Compensation Of Board Members, Juvenile Corrections Board 103
- Compliance -- Disciplinary Action Against Licensees 141
- Comprehensive Assessment Program, Statewide Assessment Program 150
- Computation Of Monetary Penalties, Agriculture Odor Management 38
- Conclusion Of Evaluation, Patrol Dog Teams 253
- Condemnation Of Infected, Exposed, Or Susceptible Animals, Animal Health Emergencies 57
- Conditions And Limitations Of Refund 126
- Conduct And Behavior 271
- Confidentiality, Juvenile Corrections Board 105
- Confirmation Fees 99
- Conflict Of Interest, Juvenile Corrections Board 105

- Construction And Safety Standards 122
- Contact With Female Cattle, Bulls For Sale, Trichomoniasis Testing Identification 29
- Contaminated Seeds 95
- Content, Statewide Assessment Program 150
- Contents Of Request For Extension Of Time, Movement Of Infected Animals, Trichomoniasis Testing Identification 31
- Continuing Certification 263
- Control And Destruction Of Infected Plants 74
- Conversion To POST Training Hours, College Credits 229, 247
- Conveyance 54
- Cooperation With USDA, Animal Health Emergencies 55
- Costs Of Additional Services, Assessment In The Public Schools 152
- Costs Paid By The State, Assessment In The Public Schools 152
- County Detention Officer 219
- Course Evaluation Fee, Certification Of High Liability Schools 265
- Credits For POST-Approved Training, College Credits 229, 247
- Crime of Deceit 219
- Critical Thinking In Foreign Language Study, Grades 4 - 5 168
- Critical Thinking In Foreign Language Study, Grades 6 - 8 172
- Critical Thinking In Foreign Language Study, Grades 9 - 12 182
- Critical Thinking In Foreign Language Study, Grades K - 3 162
- Critical Thinking In Interdisciplinary Humanities, Grades 9 - 12 174
- Critical Thinking In The Visual And Performing Arts, Grades 4 - 5 164
- Critical Thinking In The Visual And Performing Arts, Grades 6 - 8 169
- Critical Thinking In The Visual And Performing Arts, Grades 9 - 12 176
- Critical Thinking In The Visual And Performing Arts, Grades K - 3 159
- Critical Thinking In World History, Grades 9 - 12 180
- Cull Onions 69
- Cull Potatoes 69, 76
- Cultivated Ginseng 86
- Curricula 241
- Curriculum For Reserve Level I Certification 236
- Curriculum, Level I Reserve Marine Deputy 241
- D**
- Dairy Bulls, Trichomoniasis Control And Eradication Program 28
- Data On Insignia 136
- Dealer Registration, Ginseng 86
- Dealer, Ginseng 86
- Decertification 226
- Declaration Of An Animal Health Emergency 55
- Definition Of "Commercial Coach" Clarified 132
- Definition Of "Farm" Clarified 110
- Definitions IDAPA 02.06.06, Rules Governing The Planting Of Beans, (Phaseolus) Species, In Idaho 92
- Definitions, Canine 252
- Definitions, IDAPA 02.04.03, Rules Of The Department Of Agriculture Governing Animal Industry 23
- Definitions, IDAPA 02.04.16, Rules Governing Agriculture Odor Management 35
- Definitions, IDAPA 02.04.22, Rules Governing Animal Health Emergencies 53
- Definitions, IDAPA 02.06.05, Rules Concerning Diseases of Hops (Humulus lupulus) 60
- Definitions, IDAPA 02.06.05, Rules Governing Peach Tree Diseases 67
- Definitions, IDAPA 02.06.14, Rules Pertaining To Annual Bluegrass, Poa annua 65
- Definitions, IDAPA 02.06.17, Disposal Of Cull Onions And Potatoes 69
- Definitions, IDAPA 02.06.18, Rules Governing Mint Rootstock And Clone Production 71
- Definitions, IDAPA 02.06.26, Rules Concerning Seed Potato Crop Management Areas 76
- Definitions, IDAPA 02.06.29, Rules Governing Non-Native Phytophagous Snails 78
- Definitions, IDAPA 02.06.32, Rules Governing The Anthracnose Disease 80
- Definitions, IDAPA 02.06.35, Rules Concerning Rough Bluegrass, Quarantine, Seed Analysis And Control 81
- Definitions, IDAPA 02.06.36, Rules Governing Karnal Bunt Disease Of Wheat, Rye, And Triticale 83
- Definitions, IDAPA 02.06.38, Rules Governing Plum Curculio (Conotrachelus nenuphar) 84
- Definitions, IDAPA 02.06.40, Ginseng Crop Management Area For Magic Valley 86
- Definitions, IDAPA 05.01.03, Rules of the Idaho Department of Juvenile Corrections Custody Review Board 102
- Definitions, IDAPA 07.03.01, Rules Of Building Safety - General 108
- Definitions, IDAPA 07.03.03, Rules Governing Modular Buildings 115
- Definitions, IDAPA 07.03.08, Rules Governing Commercial Coaches 132
- Definitions, IDAPA 11.11.01, Rules Of The Idaho Peace Officer Standards And Training Council 219
- Definitions, IDAPA 11.11.03, Training Council For Juvenile Probation Officers 276
- Definitions, Vocational Law Enforcement Program 269
- Demographic Information, Assessment In The Public Schools 152
- Denial Of Insignia 119, 135
- Department 23
- Department Approval, Odor Management Plans, Agriculture Odor Management 37
- Depopulation Of Animals, Animal Health Emergencies 57
- Deputies 74
- Destination, The Importation Of Animals 50
- Destruction 97
- Destruction Of Rootstock 73
- Detection Dogs, Requirements 255
- Detection Of Regulated Pest 97
- Detection, Identification, And Reporting Of Regulated Pests 97

- Determination of High Liability, Certification Of High Liability Schools 265
- Director 23, 80, 108
- Discharged 233
- Disease Presence, Animal Health Emergencies 55
- Diseases 71
- Disposition Of Diseased Seed And Infected Fields 97
- Disposition Of Regulated Articles And Regulated Pests In Violation Of This Rule 79
- Disqualifications 113
- Distribution Of Approved Copies 116, 135
- Division 108
- Division Approval, Rodeo Bulls, Trichomoniasis Testing Identification 32
- Division Of Animal Industries 54
- Documentation Of Completed Training, Level I Reserve Certification 239
- Documentation Of Completed Training, Level I Reserve Marine Deputy 243
- Documents Enforcing Changes Or Modifications 127
- Domestic Cervidae 54
- Driver Education 148
- Dry Weight, Ginseng 86
- Dual Enrollment, Testing In The Public Schools 152
- Duties Of Carrier Regarding Health Certificates Of Permits, The Importation Of Animals 44
- Duties Of Executive Director 113
- E**
- Education Requirements 221
- Eligibility, Communications Specialist Certification 250
- Emergency Disease 54
- Enforcement 62
- Enforcement And Administration 115, 133
- Entry And Inspection 74
- Epidemiology 54
- Equipment 115, 132
- Eradicated Diseases, Animal Health Emergencies 55
- Establishing Load-Bearing Capacities 134
- Evaluation Of Juvenile Cases, Juvenile Corrections Board 105
- Evaluation, POST Regional Training Specialist 259
- Evidence Search Dogs 255
- Examinations 262
- Examinations, Alternative Methods Of Training Delivery 266
- Exceptional Ability, Master Instructor Certification 261
- Executive Certificate 234
- Exemptions 97
- Experience Requirements 221
- Experimental Plots 92
- Expiration And Renewal, Master Instructor Certification 261
- Expiration Of Certification 253
- Expiration, Instructor Certification 259
- Explosive Substances, Detection Dogs 256
- Exposed Herds, Infected Bulls And Herds, Trichomoniasis Testing Identification 30
- Exposure Of Another's Animals Not Allowed, Animal Health Emergencies 56
- Extended Time in Custody, Juvenile Corrections 102
- F**
- Facility 270
- Failure To Provide Certified Supervisors 123
- Falsification Of Information, Alternative Methods Of Training Delivery 267
- Farmstead 92
- Federal Animal Health Official 54
- Federal Inspector 23
- Federal Supervision 23
- Fee Schedule 120, 136
- Feeding Bulls Of Unknown Trichomoniasis Status 32
- Feedlots Approved By The Administrator, Importation Of Cattle Into Idaho 45
- Fees 123
- Fees And Charges 98
- Female Beef Cattle, When Permits Are Required For Cattle 45
- Field 71
- Field Inspections 98, 117, 133
- Field Technical Service 115, 117, 132, 134
- Findings 60, 70, 78, 83, 84
- Firearms Qualification, Level II Reserve Officer 244
- First Purchaser 132
- Foreign Animal Disease 54
- Foreign Disease, Animal Health Emergencies 55
- Foreign Language, Grades 9 - 12 182
- Free Area 23
- From Certified CWD Free Herd 50
- G**
- General Duties Of Carrier, The Importation Of Animals 44
- General Provisions, Detention Officer 246
- General Provisions, Instructor Certification 257
- General Provisions, Peace Officer Standards And Training 261
- General Provisions, Police Officers 228
- Ginseng, American Ginseng 86
- Glossary Of Humanities Terms, IDAPA 08.02.03 155
- Grass Species 65, 81
- Green Ginseng 87
- Green Weight, Ginseng 87
- Greenhouses 72
- Grower 76
- Grower Registration, Ginseng 87
- Grower, Ginseng 87
- H**
- Halo Blight 93
- Handler Protection, Patrol Dog Teams 254
- Health/Wellness 155
- Healthy Clones (HC) 71
- Hearing Fee 113
- Hearing Schedules, Juvenile Corrections Board 104
- Hearings, Juvenile Corrections 102
- High School Graduation Standards 154
- Higher Certification, Basic Certificate 230
- Higher Certification, Level I Certificate 248
- Historical And Cultural Contexts Of Foreign Language Study, Grades 9 - 12 182

- Historical And Cultural Contexts Of  
Interdisciplinary Humanities, Grades  
9 - 12 173
- Historical And Cultural Contexts Of  
Visual And Performing Arts  
Disciplines, Grades 4 - 5 163
- Historical And Cultural Contexts Of  
Visual And Performing Arts  
Disciplines, Grades 9 - 12 175
- Historical And Cultural Contexts Of  
World History, Grades 9 - 12 180
- Humanities 155
- I**
- ICIA Tag 92
- Idaho Grown Seed 94
- Idaho Grown Seeds Shipped East Of  
The Continental Divide In The  
Contiguous United States Or To A  
Foreign Country And Returned 95
- Idaho Interim Certificate 145
- Identification And Record Keeping,  
Approved Feedlot 41
- Importation Of Cattle Into Idaho, The  
Importation Of Animals 45
- Importation Of Domestic Cervidae, The  
Importation Of Animals 49
- Importation Of Swine, The Importation  
Of Animals 47
- Imported Bulls, Trichomoniasis Testing  
Identification 29
- Imported Seed Grown East Of The  
Continental Divide In The  
Contiguous United States Or Of  
Foreign Origin 94
- Imported Seed Grown West Of The  
Continental Divide In The  
Contiguous United States 94
- In Kind 109
- In The Event Of Conflict 110
- In-Plant Inspection In Sister States 117
- In-Plant Inspections 117, 123, 133
- In-State Defined Generation 1 (SDG-  
1) 71
- In-State Defined Generation 2 (SDG-  
2) 71
- In-State Defined Generation 3 (SDG-  
3) 71
- In-State Defined Generation 4 (SDG-  
4) 71
- In-State Planting Tag (Green Tag) 92
- In-State Planting Tag Number (State  
Number) 92
- Inability To Collect Civil Penalty,  
Agriculture Odor Management 38
- Incident Report, Juvenile  
Corrections 102
- Incoming Shipments 64
- Indeterminate Sentence Remains,  
Juvenile Corrections 103
- Indeterminate Sentence Remains,  
Juvenile Corrections Board 105
- Individual Identification, The  
Importation Of Animals 50
- Infected Bulls And Herds,  
Trichomoniasis Testing  
Identification 30
- Infected Zone, Animal Disease 54
- Infested Seed Stock, Rough  
Bluegrass 82
- Insects 72
- Insignia 109, 118, 122, 135
- Insignia Administrative Replacement  
Fee 123
- Insignia Location 136
- Insignia Replacement Fee 120, 123,  
136
- Insignia Tag Fee 120
- Inspection 93, 126, 133
- Inspections 116, 122, 123
- Inspections At Manufacturing  
Plant 116
- Inspections, Poultry And Ratites 25
- Installation Permit 141
- Installation Permits And Inspections  
Required 141
- Installation, Inspection 117
- Instate Defined Generation 71
- Instruction 270
- Instructor Certification, Law  
Enforcement Subjects 257
- Instructor Development Course, Master  
Instructor Certification 260
- Instructor Reimbursement, POST-  
Certified Schools 261
- Intention Of Rules 133
- Interdisciplinary Humanities, Grades 9 -  
12 173
- Interim Measures, Odor Management  
Plans, Agriculture Odor  
Management 37
- Interstate Movement 23
- Intrastate Movement 23
- Introduction 226
- Introduction Plots 92
- Irrigation 95
- Issuance Of Three Year Certificate 146
- J**
- Jail Training 225
- Jurisdiction Of Manufactured Buildings  
And Commercial Coaches 127
- Jurisdiction Of Plan Checking For State  
Buildings 110
- Jurisdiction Of The Requirements Of  
Plan Checking 110
- Juvenile Detention Officer 220
- Juvenile Probation Officer Certification,  
Training Council For Juvenile  
Probation Officers 276
- Juvenile Records, Juvenile  
Corrections 102
- Juvenile Services Coordinator  
(JSC) 102
- Juvenile, Juvenile Corrections 102
- L**
- Labeled 108
- Laboratory Seed Sampling 98
- Lapse Of Detention Officer  
Certification 244
- Lapse Of Peace Officer  
Certification 227
- Law Enforcement Code Of  
Conduct 226
- Law Enforcement Experience, Actual  
Time Served As A Commissioned  
Law Enforcement Officer 229
- Law Enforcement Experience, Actual  
Time Served As A Peace Officer Or  
County Detention Officer 247
- Law Enforcement Experience,  
Instructor In Police Related  
Courses 258
- Legal Guardian, Juvenile  
Corrections 102
- Level I Certificate, Communications  
Specialist Experience 250
- Level I Classification 250
- Level I Reserve Certification 236
- Level I Reserve Certification  
Examination 239
- Level I Reserve Certification  
Packet 239
- Level I Reserve Marine Deputy  
Certification 240
- Level I Reserve Marine Deputy  
Certification Examination 243

Level I Reserve Marine Deputy  
Certification Packet 243  
Level I Reserve Marine Deputy Core  
Curriculum 241  
Level I Reserve Peace Officer  
Certification 235  
Level II Certificate, Communications  
Specialist Experience 251  
Level II Reserve Officer 244  
Level III Certificate, Communications  
Specialist Experience 251  
Level III Reserve Officer 244  
Liability Disclaimer, Alternative  
Methods Of Training Delivery 267  
Liability Disclaimer, Certification Of  
High Liability Schools 265  
License Suspension Or  
Revocation 142  
Limitation On Credits For POST-  
Approved Training, College  
Credits 229, 247  
Limitations Of Rights Of Local  
Enforcement Agency 118  
Liquid Waste System 35  
Liquid Waste Systems, Agriculture  
Odor Management 36  
Liquid-Solid Separation 35  
Listed 108  
Listing Agency 108  
Livestock Market Release 41  
Load-Bearing Capacity 118  
Local Enforcement Agencies 118  
Lost Insignia 120, 135  
Lost Or Damaged Insignia 123

## **M**

Maintain Certification, Master  
Instructor Certification 261  
Malheur County, Oregon Grown  
Seed 94  
Management Certificate, POST  
Training 233  
Manual Of Procedure 122  
Manufactured Buildings/Changes To  
The Approved Plans 135  
Manufactured Home 111  
Manufacturer Control And  
Supervision 122  
Master Instructor Certification,  
POST 260  
Mathematics And Science 155  
Meals And Lodging 261  
Method Of Depopulation, Animal

Health Emergencies 57  
Milk 25  
Minimum Length, Alternative Methods  
Of Training Delivery 266  
Minimum Standards For  
Employment 221  
Minimum Standards, Communications  
Specialist Certification 250  
Minimum Training Requirements,  
Level I Reserve Certification 236  
Minimum Training Requirements,  
Level II Reserve Officer 244  
Model 109  
Modular Building 116  
Modular Building Fees 120  
Movement Of Infected Animals,  
Trichomoniasis Testing  
Identification 31  
Movement Or Sale Of Animal Products,  
Animal Health Emergencies 56  
Multiple Commercial Coaches 136

## **N**

NPIP Certificates Of Participation,  
Poultry And Ratites 25  
Native Idaho Species 78  
Non-Certified Reserves Officers 243  
Non-Virgin Bulls, Imported Bulls,  
Trichomoniasis Testing  
Identification 29  
Nonconformance 116, 134  
Not Mixed With Cows, Rodeo Bulls,  
Trichomoniasis Testing  
Identification 32  
Notice To Victims, Juvenile Corrections  
Board 106  
Notification, Alternative Methods Of  
Training Delivery 266  
Noxious Weeds 72  
Nuclear Planting Stock (NPS) 71

## **O**

OMP Development, Odor Management  
Plans, Agriculture Odor  
Management 37  
Obedience-Agility, Patrol Dog  
Teams 254  
Odor Emissions Caused By An Act Of  
God, Odor Management Plans,  
Agriculture Odor Management 38  
Odor Management Plans, Agriculture  
Odor Management 37  
Official Calhhood Vaccinates, Ruled

Governing Brucellosis 41  
Official Certificate Requirements 68  
Official Identification Of Cattle And  
Domestic Bison, Ruled Governing  
Brucellosis 40  
Official Laboratories, Trichomoniasis  
Testing Identification 31  
Official Record Of Hearing/Review,  
Juvenile Corrections Board 105  
Official Seed Laboratory 65, 81  
Official Trichomoniasis Tests 31  
Official Vaccination, Ruled Governing  
Brucellosis 40  
Opinions Of Board, Juvenile  
Corrections 105  
Oregon Department Of Agriculture  
Inspection Tag 92  
Other Fees 123  
Other Inspections 123  
Out-Of-State Manufacturing  
Facility 117  
Out-of-State Applicants 144  
Over Eight Years, Lapse Of Peace  
Officer Certification 228  
Over Five Years, Lapse Of Peace  
Officer Certification 227

## **P**

POST 220  
POST Council, POST Regional  
Training Specialist 259  
POST Training Credit, Alternative  
Methods Of Training Delivery 266  
POST Training Credit, Instructor  
Certification 257  
POST-Certified Instructor, Master  
Instructor Certification 260  
POST-Certified School, Instructor  
Certification 258  
Patrol Dogs 253  
Patrol-To-Detention Transition  
Academy Training Curriculum 224  
Pay Back, Part-Time Basic  
Certificate 225  
Payment Of Fees 123  
Peace Officer 220  
Peace Officer Certification 228  
Penalties And Enforcement Powers 72,  
74, 79  
Penalties, Rules Pertaining To Annual  
Bluegrass 66  
Penalty 61, 62, 79, 80, 98  
Performance Objectives 253

- Performance Objectives, Patrol Dog Teams 253
- Period Of Validity, Bulls For Sale, Trichomoniasis Testing Identification 29
- Permanently Identified, Rodeo Bulls, Trichomoniasis Testing Identification 32
- Permits 116
- Persons To Attend Or Comment, Juvenile Corrections 105
- Pest 65, 75, 84
- Philosophy, Assessment In The Public Schools 149
- Placed Under A Hold Order, Bulls For Sale, Trichomoniasis Testing Identification 29
- Plan Checking Not Required 110
- Plan Review 126
- Plan Review Fee 120, 136
- Plan Review Fees 127
- Plans 116, 134
- Plans For Construction Exceeding \$3,000 126
- Plans Not Required 126
- Plans Specifications 127, 134
- Plant Pathological Laboratory Services 99
- Plumbing And Electrical Fees 120, 136
- Position 225
- Post Entry Inspection, Importation Of Cattle Into Idaho 45
- Post Entry Inspections, Rules Governing The Importation Of Animals 43
- Poultry And Ratites 25
- Poultry Hatching Eggs, The Importation Of Animals 50
- Powdery Mildew 61
- Powers And Duties, Juvenile Corrections Board 103
- Preservice Competency, Initial Idaho Certification 144
- Preventive Slaughter Or Destruction, Animal Health Emergencies 57
- Probation, Basic And Part-Time Certificate 229
- Probation, Level I Certificate 247
- Procedures, Master Instructor Certification 261
- Procedures, POST Regional Training Specialist 259
- Property 226
- Property, Communications Specialist Certification 250
- Proprietary Information 116, 135
- Prosecutor 220
- Pseudorabies Requirements, All Swine 48
- Public Grazing, Trichomoniasis Testing Identification 30
- Public Schools 148
- Public Stockyards 24
- Q**
- Quarantine 97
- Quarantine Area 54
- Quarantine Area Bio-Security, Animal Health Emergencies 56
- Quarantine Area Security, Animal Health Emergencies 56
- Quarantine Area, Animal Health Emergencies 56
- Quarantine Authority, Animal Health Emergencies 55
- Quarantine Of Infected Herds, Infected Bulls And Herds, Trichomoniasis Testing Identification 30
- Quarantine Procedures For An Animal Health Emergency 56
- Quarantine Release Tag 65, 81
- Quarantined 24
- Quarantined Area 24
- R**
- R-3 And U Occupancies 126
- Ratite Hatching Eggs, The Importation Of Animals 51
- Ratites 24
- Recertification 245
- Recertification - Out Of Full Time Law Enforcement Over Eight Years 246
- Recertification - Out Of Full Time Law Enforcement Over Five Years 245
- Reciprocal Agreements 120, 136
- Recommendation, POST Regional Training Specialist 259
- Recommended Changes To Adopted Codes And Standards 113
- Record Requirements, Poultry And Ratites 25
- Records Maintained, Rodeo Bulls, Trichomoniasis Testing Identification 32
- Records Of Hearings And Meetings, Juvenile Corrections 103
- Records, Alternative Methods Of Training Delivery 267
- Recoveries 216
- Referral Of Cases To The Board, Juvenile Corrections 104
- Refund Of Permit Fees 126
- Refund Of Plan Review Fees 127
- Registered Veterinarians, Trichomoniasis Testing Identification 31
- Regulated Articles 67, 93
- Regulated Pests 61, 62, 71, 78, 93
- Regulated Products 79
- Release Of Information 97
- Release Of Live Birds, Poultry And Ratites 25
- Removal From Board, Juvenile Corrections Board 104
- Removal Of Bulls For Breeding Purposes, Feeding Bulls Of Unknown Trichomoniasis Status 32
- Removal Of Insignia 120, 135
- Removal Of Untested Bulls, Feeding Bulls Of Unknown Trichomoniasis Status 32
- Renewal 144
- Repeal Of Existing Rules And Regulations 108
- Reporting 97
- Reporting Of Test Results And Official Identification, Trichomoniasis Testing 32
- Representative Sample 65, 81
- Requested Inspection Or Reinspection 123
- Requested Inspection, Out-Of-State And Field Technical Service Fees 120, 136
- Requested Inspections 117, 134
- Required Insignia 118, 135
- Required Inspection 122
- Requirements For Instructors Of General Subjects Pertinent To Law Enforcement Personnel 258
- Requirements For Instructors Of Law Enforcement Subjects 258
- Requirements For Planting Bean Seed 94
- Requirements Of Title 9, Parts 71, 75, 77, 78, 85, 145, 147, And 161, CFR,



- Rules Governing The Importation Of Animals 43
- Requirements, Patrol-To-Detention Transition Academy Training 224
- Reserve Peace Officer 221
- Response To Complaints, Agriculture Odor Management 38
- Restricted Areas, Permits Are Required For Cattle, The Importation Of Animals 45
- Restrictions Governing Shipments 67
- Restrictions On Animals From Areas Or States Affected By Emergency Diseases, Animal Health Emergencies 57
- Returned To Home Premises, Bulls For Sale, Trichomoniasis Testing Identification 29
- Review Of OMP, Odor Management Plans, Agriculture Odor Management 37
- Review Process, Juvenile Corrections 104
- Right Of Entry 110
- Rights Of Local Enforcement Agency 118
- Rill Irrigation 92
- Rodeo Bulls, Trichomoniasis Testing Identification 32
- Rough Bluegrass 82
- Rough Bluegrass Analysis Certificate 82
- Rough Bluegrass Quarantine - Inspections 82
- Rough Bluegrass Quarantine - Regulated Article 82
- Rules Governing Planting Of Regulated Articles, Grass Species 66
- Running Gear 132
- S**
- Sale Of Diseased Or Exposed Animals Not Allowed, Animal Health Emergencies 56
- Sale Of Live Birds Or Hatching Eggs, Poultry And Ratites 25
- Satellite Facility 271
- Satisfactory Alternatives 116
- School Certification 262
- School Formation And Certification 261
- Scope Of Depopulation, Animal Health Emergencies 57
- Scoring And Report Formats, Assessment In The Public Schools 150
- Secondary Language Arts And Communication 155
- Seed Lot 93
- Seed Stock 65
- Selection Standards, Certified Reserve Marine Deputy 241
- Self-Sponsored Student Program Selection Standards 272
- Selling Diseased Animal 25
- Serial Number 135
- Serial Numbers Of Idaho Units 136
- Services, Statewide Testing 152
- Shipment 47
- Slaughter Swine Exceptions, The Importation Of Animals 48
- Slaughter Within Thirty Days, Movement Of Infected Animals, Trichomoniasis Testing Identification 31
- Snails 78
- Snow Loads 120, 136
- Social Studies 155
- Sold Directly To Slaughter, Bulls For Sale, Trichomoniasis Testing Identification 29
- Special Inspection 122
- Special Situations 97
- Specialized Equipment, Alternative Methods Of Training Delivery 267
- Specialized Equipment, Certification Of High Liability Schools 265
- Specific Diseases, Animal Health Emergencies 55
- Specifically Approved Livestock Market, Importation Of Cattle Into Idaho 45
- Specifications For Submittal 116
- Sprinkler Irrigation 93
- Stamp Of Serial Number And State Of Manufacture 135
- Standards For Conduct And Behavior Of Post Basic Trainees 272
- State Animal Health Official 24
- State Animal Health Official, Idaho 55
- State Inspector 24
- State Supervisors 24
- Structure And Composition Of The Custody Review Board, Juvenile Corrections 103
- Submission, Communications Specialist Certification 250
- Submission, Instructor Certification 257
- Substances 255
- Substantially Prefabricated Or Assembled 115, 132
- Substantiation 118, 134
- Supervision By Responsible Managing Employee 142
- Supervisor Certificate 233
- Surveillance Zone, Animal Disease 55
- Suspect Search, Patrol Dog Teams 253
- Systems Plan 109
- T**
- Tags 95, 98
- Tags, Official Seed Laboratory Analysis 66
- Technical Service 109
- Technology Standards 143
- Temporary Certification 262
- Terms Of Appointment, Juvenile Corrections Board 103
- Test Criteria 255
- Test Methods 116, 133
- Test Security 152
- Testing Of Infected Herds, Infected Bulls And Herds, Trichomoniasis Testing Identification 30
- Testing Population, Assessment In The Public Schools 150
- Testing Procedure 257
- Testing Requirements, The Importation Of Animals 49
- Testing/Listing Agency 108
- Tests 118, 134
- The Basic And Part-Time Basic Certificate 229
- The Level I Certificate 247
- The School Director 263
- Three To Five Years, Lapse Of Peace Officer Certification 227
- Threshing And Segregating 97
- Time Limit For Appraisal, Animal Health Emergencies 58
- Time Limit For Depopulation, Animal Health Emergencies 57
- Time Limit For Inspection 127
- Tracking Dogs 254
- Trainee 221
- Training Courses, Level II Reserve Officer 244

- Training Hours, Patrol-To-Detention  
Transition Academy Training 224
- Training Medium, Alternative Methods  
Of Training Delivery 267
- Training Schools 262
- Training, Communications Specialist  
Certification 250
- Transit Damage 109
- Treatment Of Infected Bulls,  
Trichomoniasis Testing  
Identification 31
- Trial Ground Restrictions And  
Inspection Procedures 96
- Trial Ground Subdivisions 96
- Trial Grounds 93, 96
- Trichomoniasis Control And  
Eradication Program 26
- Trichomoniasis Testing  
Identification 29
- Trichomoniasis, The Importation Of  
Animals 47
- True Identity Of Seed Lot 93
- True Identity Of Seed Lots 95
- Tuberculosis Accredited Free Herd, The  
Importation Of Animals 46
- Tuberculosis Accredited Preparatory  
State Or Zone, The Importation Of  
Animals 46
- Tuberculosis Modified Accredited  
Advanced State Or Zone, The  
Importation Of Animals 46
- Tuberculosis Modified Accredited State  
Or Zone, The Importation Of  
Animals 46
- Tuberculosis Test Requirements, The  
Importation Of Animals 46
- U**
- Unacceptable Alternatives 133
- Unacceptable In Lieu Of Basic Training  
Academy 223
- Uniform Building Code 110
- Unsatisfactory Alternatives 116
- Use Of Manufacturers' Installation  
Instructions 141
- Utilization Of Vaccination In Animal  
Health Emergencies 55
- V**
- Vaccination On Arrival, The  
Importation Of Animals 46
- Vaccination, Swine, The Importation Of  
Animals 48
- Varietal Planting Plan 92
- Verticillium Wilt 61
- Victim Testimony, Juvenile Corrections  
Board 106
- Victims, Juvenile Corrections 106
- Violation 74
- Violations 64, 85
- Violations, Disposal Of Cull Onions and  
Potatoes 69
- Violations, IDAPA 02.06.26, Rules  
Concerning Seed Potato Crop  
Management 77
- Virgin Bulls Less Than Twenty-Four  
Months Of Age, Trichomoniasis, The  
Importation Of Animals 47
- Virgin Bulls, Bulls For Sale,  
Trichomoniasis Testing  
Identification 29
- Virgin Bulls, Imported Bulls,  
Trichomoniasis Testing  
Identification 30
- Virgin Bulls, Trichomoniasis Control  
And Eradication Program 27
- Visual And Performing Arts, Grades 9 -  
12 175
- Vo-Tech Program Graduates, Basic And  
Part-Time Certificate 230
- Vocational Law Enforcement Program  
Certification/Recertification  
Standards 268
- Volunteer Potatoes 77
- W**
- Waiver Of Technology  
Competency. 144
- Waiver of Deficiencies 146
- Waste Collection and Conveyance  
Systems 36
- Wastewater Storage and Containment  
Facilities 36
- When Permits Are Required For Cattle,  
The Importation Of Animals 45
- Wild Ginseng 87
- Wild Simulated Ginseng 87
- Wildfowl Hatching Eggs, The  
Importation Of Animals 51
- Windrow Inspection 93, 94
- With Contact, Apprehension, Patrol  
Dog Teams 254
- Without Contact, Apprehension, Patrol  
Dog Teams 253
- Woodsgrown Ginseng 87
- Work Proceeding Without Permit Or  
Approval 110
- World History-Humanities (Humanities  
In A Historical Context), Grades 6 -  
8 172
- World History-Humanities (Humanities  
In A Historical Context), Grades 9 -  
12 180
- World History-Humanities (Humanities  
In A Historical Context), Grades K -  
3 162
- Writing 214
- Written Record, Juvenile  
Corrections 103
- Written Submissions, Juvenile  
Corrections Board 104