

# IDAHO ADMINISTRATIVE BULLETIN

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# 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 monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of 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 Rulemaking Notice published in the Bulletin. 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 rule-making activities.*

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

*The Bulletin is cited by year and issue number. For example, Bulletin 05-1 refers to the first Bulletin issued in calendar year 2005; Bulletin 06-1 refers to the first Bulletin issued in calendar year 2006. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 05-1 refers to January 2005; Volume No. 05-2 refers to February 2005; and so forth. Example: The Bulletin published in January of 2006 is cited as Volume 06-1. The December 2005 Bulletin is cited as Volume 05-12.*

## **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 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 Rulemaking Index of Idaho Administrative Rules**, printed in each Bulletin.*

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

*The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the 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 the 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 consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.*

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### **PROPOSED RULEMAKING**

A proposed rulemaking is an action by an agency wherein 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. This notice must include:

- a) the specific statutory authority (from Idaho Code) 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 as provided in Section 67-5222, Idaho Code; 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. 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) 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. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

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

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

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.

### **PENDING RULEMAKING**

*A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it become 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 Rulemaking". This includes:*

- a) a statement giving 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;*
- 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 change 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 Rulemaking" is published.*

### **FINAL RULEMAKING**

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

*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 an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the 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 that 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, Twin Falls, Lewiston and East Bonner County 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 83720-00306, telephone (208) 332-1820.

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

*The Idaho 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 Rule Making Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

**Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: <http://adm.idaho.gov/adminrules/>

## **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 38.07.01.200.02.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 Administrations's Division of Purchasing

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

"**200.**" refers to Major Section 200, "Content of the Invitation to Bid"

"**02.**" refers to Subsection 200.02.

"**c.**" refers to Subsection 200.02.c.

"**ii.**" refers to Subsection 200.02.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 "-", (38-0501-0501). 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. 38-0501-0501"**

"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**).

"0501" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2005.

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 of a rule 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."**

The citation may also include the IDAPA, Title, or Chapter number, 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 rule.

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

**"201"** denotes the main Section number of the rule to which the citation refers.

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 2006**

| Vol. No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date  | 21-day Comment Period End Date |
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| 06-1     | January 2006              | <b>*November 19, 2005</b>      | January 4, 2006   | January 25, 2006               |
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| 06-12    | December 2006             | November 3, 2006               | December 6, 2006  | December 27, 2006              |

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2007**

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| 07-1     | January 2007              | <b>*November 15, 2006</b>      | January 3, 2007   | January 24, 2007               |
| 07-2     | February 2007             | January 5, 2007                | February 7, 2007  | February 28, 2007              |
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| 07-7     | July 2007                 | June 1, 2007                   | July 4, 2007      | July 26, 2007                  |
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| 07-9     | September 2007            | August 3, 2007                 | September 5, 2007 | September 27, 2007             |
| 07-10    | October 2007              | <b>**August 22, 2007</b>       | October 3, 2007   | October 25, 2007               |
| 07-11    | November 2007             | October 5, 2007                | November 7, 2007  | November 22, 2007              |
| 07-12    | December 2007             | November 2, 2007               | December 5, 2007  | December 27, 2006              |

***\*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.***

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**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**ADMINISTRATIVE RULES REVIEWED BY THE FIFTY-EIGHTH  
LEGISLATURE OF THE STATE OF IDAHO  
SECOND REGULAR SESSION - 2006**

**NOTICE OF CORRECTION TO OMNIBUS RULEMAKING NOTICE OF  
LEGISLATIVE ACTION EXTENDING TEMPORARY RULES**

**CORRECTION SUMMARY:** This notice corrects an error made in the Omnibus Rulemaking Notice that lists all administrative rules that were reviewed by the legislature during the 2006 legislative session. During the publication of the Omnibus Notice three temporary rule dockets were inadvertently omitted from the table listing the temporary rules that have been extended or rejected, in whole or in part, by the legislature. The dockets that were omitted are listed here in accordance with Section 67-5226(3), Idaho Code.

**AUTHORITY:** In compliance with Sections 67-5226(3) and 67-5291, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-eighth Legislature in the Second Regular Session - 2006, reviewed and extended the temporary rules listed here in the following table. The docket numbers of the affected rulemakings and their effective dates are listed below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice:

Pursuant to Section 67-5226(3), Idaho Code, the following list of temporary rules includes those temporary rules that were reviewed during the 2006 Second Regular Session of the Fifty-eighth Legislature of the state of Idaho. All temporary rules submitted for review were extended or rejected, in whole or in part, by Senate Concurrent Resolution 129.

The following table lists the docket number of the rulemaking, the volume number of the Idaho Administrative Bulletin in which the temporary rule notice and text were published, and the effective date of the temporary rule.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this correction notice, contact Dennis Stevenson, Administrative Rules Coordinator, (208) 332-1820.

DATED this 8th day of May, 2006.

Dennis R. Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
650 W. State St., Boise, Idaho 83720-0306  
Telephone: (208) 332-1820 / Facsimile: (208) 332-1896

| <b>TEMPORARY RULES EXTENDED BY SENATE CONCURRENT RESOLUTION 129</b> |                             |                                 |                                              |                          |
|---------------------------------------------------------------------|-----------------------------|---------------------------------|----------------------------------------------|--------------------------|
| <b>Docket Number</b>                                                | <b>Bulletin Vol. Number</b> | <b>Temporary Effective Date</b> | <b>Action Taken By Concurrent Resolution</b> | <b>Rejected Sections</b> |
| 07-0206-0502                                                        | 05-12                       | (9-9-05)T                       | ---                                          | ---                      |
| 58-0108-0601                                                        | 06-1                        | (11-17-05)T                     | ---                                          | ---                      |
| 58-0112-0501                                                        | 06-1                        | (1-4-06)T                       | ---                                          | ---                      |

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-09**

**ESTABLISHING THE EXECUTIVE OFFICE FOR FAMILIES AND CHILDREN**

---

*WHEREAS, fostering the success of State, local and non-profit programs that benefit families and children is a top priority of the State of Idaho;*

*WHEREAS, many of these programs may have similar or identical missions;*

*WHEREAS, it is in the best interest of the families and children of the State of Idaho to coordinate these programs, while also ensuring that local control is retained;*

*WHEREAS, greater coordination will allow for an accurate inventory of existing programs along with an increased understanding of the needs and services available for families and children; and*

*WHEREAS, access to accurate information will allow the Governor and the Legislature to have the best information of the needs and services of families and children when prioritizing among different programs.*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:*

*The establishment of the "Executive Office for Families and Children," within the Office of the Governor.*

*The administrator of the Executive Office for Families and Children shall be the official in the State designated to oversee the coordination of those services and programs promoting the well-being of families and children in Idaho.*

*The Administrator shall be appointed by the Governor.*

*The duties, powers and authorities of the Executive Office for Families and Children shall include:*

- A. Coordinating all boards, councils, commissions, and initiatives as recommended by the Governor, within the Executive Office of the Governor with duties and responsibilities affecting families and children, including but not limited to:*
- (i) Governor's Coordinating Council for Families and Children;*
  - (ii) Governor's Council on Adolescent Pregnancy Prevention;*
  - (iii) Early Childhood Coordinating Council;*
  - (iv) Parents as Teachers;*
  - (v) Idaho Women's Commission;*
  - (vi) Faith Based Liaisons;*
  - (vii) Serve Idaho;*
  - (viii) Suicide Prevention Advisory Council;*
  - (ix) Idaho's Brightest Stars Initiative;*

*Día de los Niños/Day of the Child Initiative.*

- B. *Identify and recommend programs and policies for a comprehensive delivery of effective, efficient and integrated services for families and children, including:*
  - (i) *Promoting implementation of multi-agency strategic budgeting, common performance measures, and coordination of services;*
  - (ii) *Promoting an interagency funding system for the delivery of integrated services;*
  - (iii) *Addressing State strategies, priorities and outcome measures to meet the needs of children.*
- C. *Cooperating and consulting with State agencies and departments on programs, policies and issues involving families and children, including but not limited to, the Department of Health and Welfare, Department of Corrections, Department of Juvenile Corrections, the State Department of Education and the Department of Commerce and Labor;*
- D. *Participating in national, regional and statewide efforts to cooperatively address issues and policies affecting families and children in Idaho;*
- E. *Developing a State plan for promoting the well-being of families and children in Idaho in conjunction with cities and counties, faith based and community organizations, State councils, boards and commissions, State agencies and departments, and federal organizations;*
- F. *Serving as a repository of agreements and plans concerning programs for families and children from community organizations and other relevant local, State and federal agencies and facilitating the exchange of this information and data with relevant interstate and intrastate entities;*
- G. *Provide input and comment on community, tribal and federal plans, agreements and policies relating to families and children;*
- H. *Serving as an advocate for the families and children of Idaho and directing the people of Idaho to the appropriate local, State or federal agency to address issues or concerns related to families or children.*
- I. *Accepting private contributions, federal funds, funds from other public agencies or any other source. The moneys shall be used solely for the purposes provided under this executive order and shall be expended and accounted for as provided by law.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

\_\_\_\_\_  
*DIRK KEMPTHORNE*  
*GOVERNOR*

\_\_\_\_\_  
*BEN YSURSA*  
*SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-10**

**ASSIGNMENTS OF ALL-HAZARD MITIGATION, PREPAREDNESS, RESPONSE  
AND RECOVERY FUNCTIONS TO STATE AGENCIES IN SUPPORT OF LOCAL  
AND STATE GOVERNMENT RELATING TO EMERGENCIES AND DISASTERS**

---

*WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosions, riot, hostile military actions, terrorism and the potential use of Weapons of Mass Destruction (WMD) or other catastrophe is an ever present possibility in the State; and*

*WHEREAS, Chapter 10, Title 46, Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster emergency or threat that might conceivably confront the State; and*

*WHEREAS, local government is the principal provider of emergency response in Idaho, and local volunteers deliver nearly 85% of the emergency services within the State; and*

*WHEREAS, the role of state government is to support and enhance local community emergency response efforts including focusing state agency activities on supporting regional and community needs throughout Idaho; and*

*WHEREAS, the Legislature has directed the development of such state disaster mitigation, preparedness, response, and recovery plans; and*

*WHEREAS, effective state mitigation, preparedness, response, and recovery planning requires the identification of functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Sections 46-601 and 46-1008, Idaho Code, do hereby assign emergency mitigation, preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in this Order or not, shall:*

**I. COORDINATING INSTRUCTION**

**A. Office of the Adjutant General, Chief, Bureau of Homeland Security**

- 1. Coordinate emergency management activities of all state agencies on behalf of the Governor (Section 46-1006, Idaho Code).*
- 2. Provide executive supervision and policy guidance to the State Director/Coordinator, Bureau of Homeland Security.*
- 3. Order into active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of an extreme emergency is declared (Section 46-601, Idaho Code).*
- 4. Draw upon existing advisory committees, commissions, and councils to form a Homeland Security Coordination Group in order to exchange information and coordinate preparedness efforts. Assign management and oversight of the Coordination Group to the Director, Bureau of Homeland Security.*

**B. Bureau of Homeland Security**



1. *Coordinate state and federal emergency response, recovery, and mitigation operations during emergencies and disasters. Provide technical support to local jurisdictions involved in local emergencies and disasters that do not require state resources.*
2. *Establish and maintain the Idaho Emergency Operations Center for directing the coordination of emergency and disaster operations.*
3. *Develop and coordinate the preparation and implementation of plans and programs for mitigation to prevent or reduce the harmful consequences of disasters in accordance with Section 46-1006(1), Idaho Code.*
4. *Ensure state and local preparedness, response, and recovery plans are consistent with national plans and programs. Ensure state agency plans are consistent with the State's emergency management goals and procedures.*
5. *Coordinate collaborative efforts with other state governments and federal agencies.*
6. *Coordinate all requests from state and local governments for disaster emergency assistance.*
7. *Coordinate the use of state emergency communications and warning systems. Develop, administer, and integrate the state Radio Amateur Civil Emergency Service (RACES) and other volunteer communications programs into a state system or network in accordance with Section 46-1013, Idaho Code.*
8. *In coordination with the Governor's Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of state and local emergency and disaster public information preparedness, emergency evacuation, response, and recovery objectives.*
9. *Function as the State Administering Agency for the federal State Homeland Security Grant Program (SHSGP). Ensure that Idaho meets national standards and criteria established by the U. S. Department of Homeland Security.*

**II. GENERAL ASSIGNMENTS**

*Each state agency will:*

- A. *Prepare for and respond to emergencies or disasters within the State of Idaho in a manner consistent with the National Incident Management System (NIMS) using management structure consistent with the Incident Command System (ICS). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS and ICS training commensurate with their expected roles in response to such emergencies or disasters.*
- B. *Appoint at least one state agency emergency coordinator to train, exercise and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. Provide the names, addresses, and phone numbers of agency emergency coordinators to the Bureau of Homeland Security.*
- C. *Develop and maintain an agency emergency operations plan to carry out the agency's response and recovery support functions. Agency plans will assign disaster emergency duties to all subdivisions and personnel and will provide capability to support the Idaho Emergency Operation Center (IDEOC), Emergency Support Functions (ESF), and the National Incident Management System (NIMS) as required by the Idaho Emergency Operation Plan and the National Response Plan. Such support includes:*
  1. *Assigning an ESF coordinator to interface with the IDEOC;*

2. *Providing situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the IDEOC;*
3. *Providing personnel and resources to staff the ESF;*
4. *Providing personnel to staff the IDEOC, this may also require involvement of agency directors and emergency coordinators;*
5. *Providing personnel and resources for field deployment; and*
6. *Accepting IDEOC mission assignments to provide resources for response and recovery actions.*

*Plans will be kept current and an electronic copy provided to the Bureau of Homeland Security.*

- D. *Develop and maintain Continuity of Operations Plan (COOP) to (a) address how the agency will provide essential services to citizens during response and recovery, and (b) return the agency to normal operations. An electronic copy of the current COOP will be kept on file at the Bureau of Homeland Security.*
- E. *Agencies will notify the Bureau of Homeland Security of any significant event, incident, emergency or disaster, impacting the ability of government to provide public services within the State of Idaho. The Adjutant General, Chief, Bureau of Homeland Security will notify the Governor's Office.*
- F. *Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary disaster emergency response and recovery operations.*
- G. *Train personnel to meet state emergency prevention, protection, response, and recovery objectives as coordinated by the Bureau of Homeland Security.*
- H. *Support the coordination of emergency services training through the Bureau of Homeland Security Training Advisory Board.*
- I. *Coordinate any agreement or memorandum of understanding that incorporates emergency or disaster mitigation, preparedness, response, and recovery functions with the Bureau of Homeland Security. Such agreements or understandings will be integrated as part of the Idaho Emergency Operations Plan.*
- J. *Public Information Officers of each state agency are collaterally assigned to the State's Public Information Emergency Response (PIER) Team Program during emergencies and disasters. PIER Team members provide a level of public information expertise not otherwise available to state and local jurisdictions. Public Information Officers will train and exercise under the auspices of the Bureau of Homeland Security. When emergencies and disasters occur, PIER Teams will be deployed, when necessary, to the IDEOC, Joint Information Centers, field support offices and/or local jurisdictions.*

### **III. SPECIFIC ASSIGNMENTS**

#### **A. OFFICE OF THE ATTORNEY GENERAL**

1. *Provide legal advice and assistance to all executive officers of state government and to all offices or agencies of the state regarding any question of law relating to their respective functions.*
2. *Provide consumer protection advice and assistance in response and recovery phases of a disaster.*

#### **B. DEPARTMENT OF ADMINISTRATION**

1. *Prepare communication and warning studies to improve emergency communications, and assist in the development and implementation of disaster emergency plans for use of all non-military communications and warning systems within the State.*

2. *Assist other state and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities. Maintain an inventory and coordinate the availability of mobile and portable radios between state agencies.*
3. *Promote and develop mitigation strategies to prevent or reduce damage as a result of disasters for state-owned or leased buildings and structures in coordination with the Bureau of Homeland Security, the Idaho Department of Transportation, and the Division of Building Safety.*
4. *Provide personnel for damage assessment and damage survey teams in cooperation with the Idaho Transportation Department and Division of Building Safety.*
5. *Supervise and coordinate the procurement of construction equipment and personnel as it pertains to essential facilities, housing, and sanitation in conjunction with other state agencies*
6. *Provide state and local governments with emergency contractual assistance and guidance.*
7. *Provide for the expanded security of the Capitol Mall Complex and state-owned or leased facilities, when required.*
8. *Coordinate with all state agencies to provide administrative support to the Bureau of Homeland Security when the IDEOC is activated. The Department of Administration may engage administrative support labor through temporary services agencies.*
9. *Assist in meeting agency needs relative to losses of state properties and or liability coverage, assignment of adjusters, and submission of claims. Submit copies of claims against the State of Idaho as a result of a disaster to the Bureau of Homeland Security.*

**C. DEPARTMENT OF AGRICULTURE**

1. *Provide primary support for mitigation, preparedness, response, and recovery activities pertaining to agricultural issues.*
2. *Coordinate with local officials for the evacuation of domestic livestock and other animals, and the establishment of an evacuation reception area for appropriate animal care.*
3. *Coordinate feeding requirements and care arrangements for livestock and other animals evacuated, lost, or abandoned as a result of disaster.*
4. *Coordinate dead animal removal.*
5. *Assist with incident response and recovery activities when chemicals, including pesticides, chemical agents, and biological agents are suspected or involved.*
6. *Provide technical assistance concerning livestock health, disease control, and preventive medicine.*
7. *Facilitate the distribution of medical supplies for livestock and other animals.*
8. *Inspect feed to ensure it is safe for livestock consumption.*
9. *Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments, and other chemicals to response personnel and the public.*
10. *Assist with the disposal of unusable pesticides, fertilizers, and plant or soil amendments and help coordinate the transportation of these materials.*
11. *Provide personnel for damage assessments of commodity warehouses, potato storage facilities,*

*livestock waste lagoon, and/or soil sediment pond breaks.*

12. *Provide trained personnel for agricultural and conservation damage survey teams.*

**D. STATE CONTROLLER**

1. *Initiate the warrant payment process in order to fulfill fiscal obligations resulting from goods and services supplied by state agencies during emergency response and recovery operations.*
2. *Fulfill fiscal obligations to the extent possible that monies exist in the state treasury.*
3. *During state response to emergencies and disasters, advise the Division of Financial Management and the Bureau of Homeland Security any time the disaster emergency account is inadequate to meet obligations and expenses provided by Section 46-1005A, Idaho Code.*

**E. DEPARTMENT OF COMMERCE AND LABOR**

1. *Provide primary support for mitigation, preparedness, response, and recovery activities related to economic injury/losses as a result of disasters.*
2. *Provide an economic impact analysis of the effects of disasters or emergencies when requested by the Bureau of Homeland Security or other state agencies.*
3. *Provide assistance to local government as coordinated by the Bureau of Homeland Security.*
4. *Report the number of unemployed individuals as a result of a disaster emergency to the Bureau of Homeland Security.*
5. *Provide unemployment insurance claims service for disaster victims.*
6. *Provide re-employment assistance to individuals unemployed as a result of a disaster.*
7. *Provide personnel to support Disaster Recovery Centers with information on disaster unemployment services.*

**F. DEPARTMENT OF CORRECTION**

1. *Provide personnel (inmates/permanent staff) for emergency response and recovery assistance.*

**G. STATE BOARD OF EDUCATION**

1. *State Department of Education*
  - a) *Coordinate the development of emergency disaster plans for all local school district buildings to ensure the safety of school populations in time of emergency.*
  - b) *Assist local school districts and other qualifying agencies to develop a policy for the use of buses in an emergency.*
  - c) *Prior to and after disasters affecting school facilities, promote mitigation activities to reduce the risk from structural and nonstructural hazards in school facilities in coordination with the Bureau of Homeland Security.*
  - d) *Assist in coordinating activities for damage assessments and damage surveys for school facilities.*
  - e) *Coordinate the utilization of school facilities for reception, shelter, and mass feeding during disasters.*

2. *The Office of the State Board of Education*
  - a) *Coordinate the development of emergency disaster plans for colleges, universities, and area vocational-technical facilities to ensure the safety of school populations in time of emergency.*
  - b) *In coordination with the Bureau of Homeland Security, promote mitigation activities to reduce the risk from hazards in colleges, universities, and area vocational-technical facilities.*
  - c) *Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.*
  - d) *Provide personnel to assist damage assessment of colleges, universities, and area vocational-technical facilities.*
  - e) *Coordinate the utilization of colleges, universities, and area vocational-technical facilities for reception, shelter, and mass feeding during disasters.*
  - f) *Provide academic personnel for assessment of hazards and for coordinating the activities of investigators for scientific research.*
3. *Idaho State Historical Society/State Historic Preservation Officer*
  - a) *Promote mitigation activities to reduce the potential loss of the State's historic and cultural resources as a result of hazards.*
  - b) *In coordination with the Bureau of Homeland Security, conduct damage assessments, surveys, and reviews of historic and cultural resources in areas affected by disasters.*
  - c) *Coordinate activities under Section 106 of the National Historic Preservation Act concerning emergency repairs and recovery projects in those areas affected by disasters.*

**H. DEPARTMENT OF FISH AND GAME**

1. *Provide personnel to be used as auxiliary police during emergencies.*
2. *Assist in search and rescue operations.*
3. *Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.*
4. *Provide personnel for damage assessment and damage survey teams.*
5. *Provide emergency communications.*

**I. DEPARTMENT OF HEALTH AND WELFARE**

1. *Coordinate emergency medical and health services throughout the State. Such responsibilities include development of general plans for public health and sanitation; emergency medical assistance; identification and mortuary services; mass care and feeding management; crisis counseling; emergency social services; evacuation of sick and injured; and use of hospitals and other medical facilities.*
2. *Support implementation of the State's Individual Assistance, Crisis Counseling and Community Relations programs during a disaster declared by the President under the auspices of the Bureau of Homeland Security.*

3. *Provide damage assessment and survey team personnel for health and welfare-related functional activities.*
4. *Provide food stamp and disaster welfare services.*
5. *Provide staff personnel to work in Disaster Recovery Centers. Provide personnel to work in the Disaster Field Office during federally declared disasters.*
6. *Monitor the National Warning System (NAWAS) through State Communications within the Bureau of Emergency Medical Services. Provide emergency communications support as coordinated by the Bureau of Homeland Security.*

**J. DEPARTMENT OF ENVIRONMENTAL QUALITY**

1. *Assess supplies of potable water and coordinate portable water resources with other state agencies.*
2. *Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.*
3. *Idaho National Laboratory-Oversight Program (INL-OP)*
  - a) *Provide overall technical support for mitigation, preparedness, response, and recovery activities pertaining to radiological/nuclear health and safety issues.*
  - b) *Support state and local efforts related to off-site radiological emergency planning at the INL.*
  - c) *Serve as state liaison to the U.S. Department of Energy, the U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency for radiological emergencies involving regulated materials and U.S. Department of Energy facilities and transportation activities.*
  - d) *Provide radiation protection guidance, training, and information in support of state and local emergency responders.*
  - e) *Conduct radiological monitoring and coordinate radiological sample analysis with Idaho State University.*
  - f) *Maintain the INL Fixed Nuclear Facility Emergency Response Plan as an Annex to the Idaho Emergency Operations Plan.*

**K. DEPARTMENT OF INSURANCE**

1. *Provide insurance counseling services for disaster victims.*
2. *Prepare required insurance certifications for federal disaster assistance.*
3. *Provide personnel to perform fire and explosion investigations and to assist with prosecution as required. Provide personnel to perform building inspections with regard to fire safety appliances and nonstructural built in fire protection.*

**L. DIVISION OF BUILDING SAFETY**

1. *Provide personnel for damage assessment and damage survey teams.*
2. *Promote and develop mitigation activities in conjunction with the Department of Administration, the Department of Education, and the Bureau of Homeland Security.*

**M. DEPARTMENT OF LANDS**

1. *Develop and direct the State's mitigation, preparedness, response, and recovery activities for state endowment lands.*
2. *Cooperate with federal, state, and local governments in developing plans for and directing activities relating to the prevention and control of wild land and urban/wild land interface fires.*
3. *Develop plans and direct activities for the emergency protection, management, and utilization of land resources, under the Department of Land's jurisdiction.*
4. *Provide emergency communications assistance.*
5. *Provide personnel for damage assessment, and damage survey teams.*
6. *Develop, coordinate, and maintain a statewide Fire Service and Rescue Emergency Mutual-Aid Plan. Provide a copy of the Fire Service and Rescue Emergency Mutual-Aid Plan to the Bureau of Homeland Security.*

**N. IDAHO STATE POLICE**

1. *Develop and direct mitigation, preparedness, response, and recovery programs for civil disorder and terrorism.*
2. *Provide for the safety and protection of personnel including the evacuation, warning, scene protection, and traffic control in conjunction with Idaho Transportation Department.*
3. *Coordinate all requests for additional state law enforcement.*
4. *Coordinate with the Bureau of Homeland Security for response and recovery disaster operations in and around crime scenes.*
5. *Operate a statewide emergency communication system, which may be designated as a primary system during emergencies and disasters.*
6. *In coordination with the Bureau of Homeland Security, alert state agencies and local governments of impending threats.*
7. *Enforce statewide emergency traffic controls and evacuation plans.*
8. *Provide damage assessment and information on disaster incidents to the Bureau of Homeland Security.*
9. *Provide brand inspection personnel to determine ownership of animals.*
10. *Assist in search and rescue operations.*
11. *Provide specially trained officers with radiological monitoring equipment to conduct monitoring as coordinated by Bureau of Homeland Security.*
12. *Conduct required weekly and monthly tests of the State's Emergency Alert System within the prescribed time limits to meet volunteer broadcaster requirements. Provide public warnings when notified by the Bureau of Homeland Security and/or local public officials.*

**O. DEPARTMENT OF PARKS AND RECREATION**

1. *Provide lands and facilities for mass care and feeding centers during emergencies and disasters.*

2. *Provide personnel for damage assessment and damage survey teams.*

**P. STATE TAX COMMISSION**

1. *Provide tax-counseling services for disaster victims as coordinated by the Bureau of Homeland Security.*

**Q. IDAHO TRANSPORTATION DEPARTMENT**

1. *Provide engineering support to the Bureau of Homeland Security for emergency planning and mitigation for disasters.*
2. *Provide debris removal services and resources as coordinated by the Bureau of Homeland Security.*
3. *Provide engineering services and resources, for the repair and maintenance of state highways, bridges, and airfields.*
4. *Develop, implement, and manage new emergency highway traffic regulations that may be required as a result of the emergency or disaster.*
5. *Coordinate the use of state aviation assets and aviation activities and assist the Bureau of Homeland Security with the coordination of requests for restricted air space over emergency and disaster areas.*
6. *Provide aviation resources for evacuation, search, and rescue operations, and aerial radiological monitoring as coordinated by the Bureau of Homeland Security.*
7. *Activate "Plan Bulldozer" (An agreement with Associated General Contractors to contract for equipment) when requested by the Bureau of Homeland Security.*
8. *Provide specialized heavy construction and transport equipment with operators as coordinated by the Bureau of Homeland Security.*

**R. DEPARTMENT OF WATER RESOURCES**

1. *Develop mitigation, preparedness, and response programs for flood, drought, and energy shortages in concert with the Bureau of Homeland Security.*
2. *Conduct dam safety inspections and supervise dam safety practices during times of flooding or imminent failure.*
3. *Advise the Bureau of Homeland Security of impending emergency conditions such as imminent failure or other conditions involving dam safety.*
4. *Coordinate operation of water structures to minimize flood damage. Ensure emergency maintenance and repairs are performed to protect life and property during impending or actual occurrence of a disaster.*
5. *Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations and when channel work is necessary on an emergency basis to protect life and property.*
6. *Assist agencies and individuals in obtaining emergency authorization from the U.S. Army Corps of Engineers, under Public Law 92-500, to conduct flood control activities in waterways.*
7. *Provide personnel for damage assessment and damage survey teams.*
8. *Provide assistance in finding and obtaining alternative water supplies during drought.*



9. *Assist the Department of Environmental Quality in assuring adequate supplies of potable water are available.*
10. *Provide emergency communications, as coordinated by the Bureau of Homeland Security.*

**S. PUBLIC UTILITIES COMMISSION**

1. *Assist with energy shortage mitigation, preparedness, response, and recovery.*

**T. DIVISION OF FINANCIAL MANAGEMENT**

1. *Coordinate and develop a fiscal impact analysis on the effects of a disaster emergency upon request by the Bureau of Homeland Security.*
2. *Coordinate with the Bureau of Homeland Security to determine funding needs for disasters.*
3. *Expedite interim disaster funding for emergency work as part of the Governor's disaster declaration.*

**U. IDAHO GEOLOGICAL SURVEY**

1. *Formulate and direct the state's geologic hazard reduction effort by providing hazard identification, analysis, and mapping of the geologic threats.*
2. *Provide representatives for damage assessment, damage survey, and hazard mitigation teams for events that involve geologic hazards.*
3. *Coordinate the activities of geologists, scientists, and researchers attempting to study natural hazard events including those invited by the State of Idaho as well as those who respond independently to conduct scientific research and evaluations. Inform the Bureau of Homeland Security of the status of coordination efforts.*

**V. MILITARY DIVISION**

**1. National Guard**

- a) *Provide military support to civil authorities during a disaster emergency in accordance with federal and state laws and regulations.*
- b) *Provide specific guidance as required for emergency preparedness planning and programming for state military forces.*
- c) *Establish a statewide military emergency communications system. During emergencies, maintain communications between the Idaho Emergency Operations Center and National Guard Joint Operations Center.*
- d) *Develop radio communications capability between the state military forces and civilian agencies. Participate in the State Interoperability Executive Committee.*
- e) *Provide logistical assistance to state damage assessment and damage survey teams, as well as Disaster Field Office operations.*

**2. Bureau of Homeland Security**

- a) *Assist local governments with the development of all-hazard mitigation, preparedness, response, and recovery plans, training and exercises.*

- b) *Administer federal programs for disaster emergency planning and assistance pertinent to state and local governments.*
- c) *Provide ongoing validity assessment of the Idaho Emergency Operations Plan and National Response Plan. Provide training for state agency personnel in mitigation, preparedness, response and recovery operations.*
- d) *Administer the State's Emergency Alert System in accordance with Section 46-1013, Idaho Code. Collaborate with volunteer broadcasters to facilitate a viable and effective statewide alert system using commercial radio, television, cable television, and other such systems that will alert citizens to impending natural or man-made disasters, when feasible.*
- e) *Maintain the State Emergency Communications Using Radio Effectively (SECURE) network for emergencies and disasters communications.*
- f) *Regularly review and revise the Idaho Hazardous Materials Incident Command and Response Support Plan used by state agencies to provide state assistance for hazardous materials/WMD emergencies in Idaho.*
- g) *Coordinate state and federal emergency response efforts for hazardous materials incidents.*
- h) *Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal statute.*
- i) *Administer and coordinate the state-sponsored hazardous materials regional response teams (Coeur d'Alene, Lewiston, Nampa-Caldwell, Boise, Magic Valley, Idaho Falls-Jefferson County, and Pocatello).*
- j) *Coordinate federal training opportunities for response to Chemical, Biological, Radioactive, Nuclear, and Explosives (CBRNE) incidents.*

**W. COMMISSION ON AGING**

- 1. *Develop area-wide plans for the following:*
  - a) *Assessing the needs of the elderly and homebound elderly.*
  - b) *Coordination of senior services through the Area Agencies on Aging during natural or man-made disasters.*
  - c) *Providing information/assistance to their clientele and the public.*
  - d) *Coordination of senior citizen centers for shelter, mass feeding, and rest centers.*
  - e) *Identification of homebound isolated elderly clients.*

*Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Homeland Security. The Chief, Bureau of Homeland Security, may assign any new emergency preparedness function to the head of a governmental agency by mutual consent.*

*The head of each governmental agency is hereby authorized to delegate the functions assigned to him or her by this Order.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-11**

**CONTINUING THE GOVERNOR'S COUNCIL ON ADOLESCENT PREGNANCY PREVENTION  
REPEALING AND REPLACING EXECUTIVE ORDER 2004-06**

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*WHEREAS, the percentage of adolescents giving birth remains alarmingly high in Idaho; and*

*WHEREAS, the incidence of inadequate prenatal care, out-of-wedlock babies, low-birth weigh babies, and infant deaths is significantly higher for adolescent mothers; and*

*WHEREAS, in 1997, approximately 2,789 Idaho females aged 10 to 19 became pregnant, at a rate of 54 pregnancies per week; and*

*WHEREAS, adolescent childbearing causes delays in school completion or alters the young mother's aspirations at home, school, or career; and*

*WHEREAS, it is in the best interest of all Idahoans to prevent unintended adolescent pregnancies; and*

*WHEREAS, the most effective response to the problems of adolescent pregnancy is to prevent adolescents from becoming sexually active;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby continue the Governor's Council on Adolescent Pregnancy Prevention.*

*The duties of the Council shall include:*

- 1. Development and implementation of a statewide campaign focused on delaying sexual activity by adolescents; and*
- 2. Assessing the impact of the campaign on reducing the rate of adolescent pregnancy and reporting the results annually.*

*The Council shall be limited to no more than 19 members who are appointed by and shall serve at the pleasure of the Governor.*

*The members shall serve two-year terms. The chair of the Council shall be appointed annually by the Governor.*

*The Council members shall include persons representing:*

*Public health/welfare*

*Education*

*Clergy*

*Private business*

*Parents*

*Adolescents*

*Local elected officials*

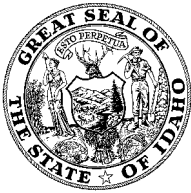
*Healthcare providers*

*Media*

*The Executive Office for Families and Children will provide administrative support to the Council and the Title V, Section 510 Abstinence Education Program.*

*This Order repeals and replaces Executive Order No. 2004-06.*

*This Executive Order shall cease to be effective four years after its entry into force.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

---

*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-12**

**ESTABLISHING THE EARLY CHILDHOOD COORDINATING COUNCIL  
REPEALING AND REPLACING EXECUTIVE ORDER 2004-01**

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*WHEREAS, early childhood development is directly related to economic development because it improves the quality of the future workforce and creates tremendous cost savings for society; and*

*WHEREAS, the advancement of early care and learning has had a positive impact on Idaho families and children; and*

*WHEREAS, through these initiatives, children are healthier and better prepared to enter Idaho's school systems; and*

*WHEREAS, greater coordination will allow for an accurate inventory of existing initiatives along with an increased understanding of the services available for families and children; and*

*WHEREAS, the coordination of early care and learning initiatives, both public and private, is a priority of the State of Idaho; and*

*WHEREAS, two groups have been functioning as parallel organizations with similar mission statements, vision statements and complimentary strategic plans along with duplication of membership; and*

*WHEREAS, the consolidation of the Interagency Coordinating Council (Idaho Code Title 16, Chapter 1), and the Early Care and Learning Cross Systems Task Force (Executive Order No. 2004-01) will establish greater coordination, communication, and efficiency of early childhood services and initiatives of the State of Idaho; and*

*WHEREAS, the members of the Interagency Coordinating council and the Early Care and Learning Cross Systems Task Force voted unanimously to merge; and*

*WHEREAS, it is in the best interest of children and families in Idaho to build a sustainable infrastructure for early childhood;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order as follows:*

- 1. There is created within the Office of the Governor the Early Childhood Coordinating Council.*
- 2. The Early Childhood Coordinating Council shall be responsible for developing a sustainable and coordinated statewide-plan to achieve mutually defined goals for early care and learning with evidence-based outcomes and approval and support from stakeholders, as well as the Governor and will:*
  - a. Facilitate the activities of the Early Childhood Coordinating Council which will establish an ongoing communication network between state agencies, policymakers, families, stakeholders and communities for the purpose of planning and implementation of a coordinated system of early care and learning in Idaho;*
  - b. Develop multiagency state partnerships among critical stakeholders;*
  - c. Compile resources and identify information on the current best practices in early childhood systems building;*

- d. *Provide a comprehensive statewide mapping of existing early care and learning programs and resources, as well as existing gaps every three to five years;*
  - e. *Support partnerships to align current initiatives in the support of a comprehensive system of early childhood professional development;*
  - f. *Increase public awareness of quality early care and learning programs as a critical part of the foundation to promote healthy families and communities;*
  - g. *Align policy and funding systems to develop and support integrated early care and learning system development;*
3. *The Early Childhood Coordinating Council shall perform all duties and functions of Title 16, Chapter 1 with expanded and strengthened roles and responsibilities as follows:*
- a. *Expand the council's scope from birth to three, to all children from birth through eight and their families;*
  - b. *Develop, implement, and sustain a statewide early care and learning strategic plan that maintains the framework of health, social and emotional development, early care and learning, parent education, family support and self sufficiency, and systems development;*
  - c. *Recognize language changes to meet federal guidelines for the Individuals with Disabilities Education Act (IDEA) such as service coordination, social and emotional development, adaptive skills and developmental delay;*
  - d. *Expansion of membership to meet federal requirements for IDEA, and integration of Council members to build geographical, cultural, political, professional and family diversity with assurance of representation of all children and families to include:*
    - i. *Parents of young children to include at least 20% of Council membership who are parents of young children with developmental delays or disabilities;*
    - ii. *At least two (2) public or private providers of early intervention services;*
    - iii. *At least three (3) professionals who provide early care and learning services like preschool, elementary school, parent education, childcare, or after-school care;*
    - iv. *At least one (1) member of the state legislature;*
    - v. *At least one (1) person involved in personnel preparation;*
    - vi. *The superintendent of public instruction, or designee;*
    - vii. *A physician or health care professional skilled in early intervention;*
    - viii. *A representative from early childhood professional organizations;*
    - ix. *A representative of the State Medicaid agency;*
    - x. *A representative of the State child welfare agency responsible for foster care;*
    - xi. *A representative of the State agency responsible for children's mental health;*
    - xii. *A representative of the State agency responsible for maternal and child health;*
    - xiii. *A representative of the State governance of insurance;*

- xiv. *A representative of the office of the Coordinator of Education of the Homeless;*
  - xv. *A representative of the Idaho Migrant Council or Migrant Head Start Program;*
  - xvi. *A representative of either the Bureau of Indian Affairs, Indian Health Services or an American Indian Head Start program;*
  - xvii. *A representative of the State agency responsible for child care;*
  - xviii. *A Head Start Association or program representative;*
  - xix. *A representative of the Head Start Collaboration office;*
  - xx. *A representative of the Governor's office;*
  - xxi. *A representative of the Idaho Infant Toddler Program;*
  - xxii. *A representative of the seven Regional Early Childhood Coordinating Committees;*
- e. *Council members:*
- i. *Shall be appointed by the Governor;*
  - ii. *Shall be staffed through an agreement between the Governor's Office and the Department of Health and Welfare;*
4. *Strengthen Regional Early Childhood Committee membership, roles and responsibilities to expand the outreach of and respond to the Early Childhood Coordinating Council. Establish the provision for the Early Childhood Coordinating Council to accept funds from private, federal, state or public agencies and any other sources. The moneys shall be used to support the statewide effort in the development and sustainability of this council and support early childhood services.*
  5. *Assure nationally acceptable standards are used statewide for the coordination and provision of early childhood services.*
  6. *Build and support partnerships that will maximize the use of funding streams and close the gaps in the service delivery system.*
  7. *Blend resources to sustain staffing and operating expenses for the merged council.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*



**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-13**

**GOVERNOR'S TASK FORCE FOR CHILDREN AT RISK**

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*WHEREAS, Idaho's children are her most valuable and most vulnerable resource; and*

*WHEREAS, crimes of abuse and neglect can psychologically and physically harm innocent children for life, depriving them of their right to live happy and productive lives; and*

*WHEREAS, abuse and neglect of children have been recognized to be multi-generational problems; and*

*WHEREAS, thousands of incidents of child abuse and neglect occur each year in Idaho; and*

*WHEREAS, the system that responds to reports of child abuse and neglect requires more effective and efficient statewide coordination and consistent monitoring in order to better protect children; and*

*WHEREAS, in order to protect all children, those who commit crimes against children need to be held accountable for their actions; and*

*WHEREAS, the child victims of abuse, neglect, and domestic violence must receive immediate and adequate protection from continued maltreatment; and*

*WHEREAS, all child victims of abuse and neglect deserve treatment and necessary medical attention; and*

*WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and*

*WHEREAS, the protection of children from abuse and neglect is in the best interest of all Idahoans;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuance of the Governor's Task Force for Children at Risk.*

*The Task Force's responsibilities are:*

- 1. To review existing systems and procedures and encourage improvements in the investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse to limit the trauma to the child victim.*
- 2. To evaluate, propose, and encourage cooperation between persons and agencies involved in cases of child abuse and domestic violence evaluations.*
- 3. To investigate and recommend optimum models of prevention, evaluation and treatment of victims and offenders.*
- 4. To establish procedures for the review of child fatalities and substantial or severe injuries where the circumstances of the death or injury suggest the possibility of child abuse.*
- 5. To study, propose, and encourage means to establish a highly professional, stable work force devoted to working with child abuse cases and issues.*

*The Task Force shall be composed of between 13 and 16 members appointed by the Governor. The membership shall include, but will not be limited to, the following with consideration of cultural and geographical representation:*

*A Judge (handling civil and criminal cases)*

*A Prosecuting Attorney*

*At least one representative of the Division of Family and Community Services of the Department of Health and Welfare*

*A law enforcement representative with experience in child abuse cases*

*A representative of the Department of Correction's Probation and Parole Division*

*A juvenile correction or probation worker*

*A defense attorney*

*A health professional (pediatrician)*

*A mental health professional specializing in therapy for abused children*

*A parent or parent group representative*

*Individual experienced in working with children with disabilities*

*A Court Appointed Special Advocate (CASA) representative*

*A child advocates (Attorneys for children)*

*The members of the Task Force shall serve at the pleasure of the Governor for a four-year term. Reappointment is at the discretion of the Governor with a recommendation from the chair. Members of the Task Force shall elect their chair from among their members.*

*The Department of Health and Welfare shall be the lead agency, providing support for the Task Force, and shall maintain office staff to carry out the activities directed by the Task Force, as funding is available.*

*This Executive Order shall cease to be effective four years after its entry into force.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April 2006 in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

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**DIRK KEMPTHORNE**  
**GOVERNOR**

\_\_\_\_\_  
**BEN YSURSA**  
**SECRETARY OF STATE**

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-14**

**IDAHO COMMISSION FOR NATIONAL AND COMMUNITY SERVICE**

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*WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational, public safety and Homeland Security needs; and*

*WHEREAS, promoting the capability of Idaho's people, communities, and enterprises to work together is vital to the long-term prosperity of this state; and*

*WHEREAS, building and encouraging community collaborations and service is an integral part of the State's future well-being, and requires cooperative efforts by the public and private sectors; and*

*WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order as follows:*

- 1. The Idaho Commission for National and Community Service shall change its name to Serve Idaho, Governor's Commission on Service and Volunteerism. For the purpose of doing business, "the Commission" will be known as Serve Idaho with a tag line of Governor's Commission on Service and Volunteerism.*
- 2. Serve Idaho ("the Commission") is hereby established to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the state's liaison to national, state and community organizations which support the intent of the National and Community Service Trust Act of 1993 ("the Act").*
- 3. The Commission will be composed of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act of 1993 and as detailed below:*
  - a) The Commission's membership shall include:*
    - i. a representative of a community-based agency or organization in the state;*
    - ii. the head of the State education agency or his or her designee;*
    - iii. a representative of local government in the State;*
    - iv. a representative of local labor organizations in the State;*
    - v. a representative of business;*
    - vi. an individual between the ages of sixteen (16) and twenty-five (25), inclusive, who is a participant or supervisor of a service program for school-age youth or of a campus-based or national service program;*
    - vii. a representative of a national service program;*
    - viii. an individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;*

- ix. *an individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism.*
  - x. *The Corporation for National and Community Service (“Corporation”) will designate one of its employees to serve as an ex officio member on the Commission. Other members may include: educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Domestic Volunteer Service Act.*
- b) *Not more than twenty-five (25) percent of the Commission members may be employees of state government, though the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or as a volunteer at any time during the preceding twelve (12) months.*
  - c) *Not more than fifty (50) percent of the Commission plus one member may be from the same political party. To the maximum extent practicable, membership of the State Commission shall be diverse with respect to race, ethnicity, age, gender, religion and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; and one-third will serve terms of two years; one-third will serve terms of three years. Vacancies among the members shall be filled by an appointment by the Governor to serve for the remainder of the unexpired term.*
  - d) *The Commission will elect from among its members a chairperson.*
  - e) *The Governor will appoint one individual who is not a member of the Commission to serve at his pleasure as administrator of the Commission.*
4. *The Commission will have the following duties and responsibilities:*
- a) *To develop a three-year comprehensive national and community service plan and establishment of state priorities;*
  - b) *To administer a competitive process to select national service programs to be included in any application to the Corporation for National and Community Service for funding;*
  - c) *To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;*
  - d) *To assist the State education agency in preparing the application for subtitle B school-based service learning programs;*
  - e) *To administer the grants awarded pursuant to the Act and to oversee and monitor the performance and progress of funded programs;*
  - f) *To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;*
  - g) *To assist in the development of programs pursuant to the Act;*
  - h) *To develop mechanisms for recruitment and placement of people interested in participating in national service programs;*
  - i) *To assist in the provision of health and child care benefits to eligible program participants as specified by regulations pertaining to this Act;*

- j) *To make recommendations to the Corporation with respect to priorities within the State for programs receiving assistance pursuant to the Act;*
  - k) *To coordinate with other state agencies that administer Federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs;*
  - l) *To coordinate its functions with any division of the Corporation, that carries out volunteer service programs in the state; and*
  - m) *To provide technical assistance to agencies, corporations and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service; and*
  - n) *To coordinate Idaho's Promise activities to ensure that Idaho's young people have access to the five fundamental resources identified by Ret. General Colin Powell and America's Promise: The Alliance for Youth. The resources include: a healthy start; safe places to go with structured activities, especially during non-school hours; ongoing relationships with caring adults, including parents and mentors; marketable skills through effective education and; opportunities to give back to the community through service; and*
  - o) *Other activities as necessary to further the development and implementation of programs which enhance national and community service.*
5. *The Idaho Department of Correction shall serve as the host agency for administration of the Commission, and, as is deemed appropriate by the Governor, additional support may be requested from the Departments of Employment, Education, Commerce, Health and Welfare, the Division of Vocational Education and the Office of the State Board of Education.*
6. *The Commission and its activities shall be funded from federal, state and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds and in-kind services from other state and private entities.*
7. *The Commission shall meet at least quarterly. Failure to attend at least seventy-five (75) percent of the meetings in any calendar year shall result in removal from the Commission. A quorum shall consist of a simple majority of voting members.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

\_\_\_\_\_  
*DIRK KEMPTHORNE*  
*GOVERNOR*

\_\_\_\_\_  
*BEN YSURSA*  
*SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-15**

**THE GOVERNOR'S COORDINATING COUNCIL FOR FAMILIES AND CHILDREN**

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*WHEREAS, fostering the success of state, local and non-profit programs that benefit families and children is a top priority of the State of Idaho; and*

*WHEREAS, many of these programs may have similar or identical missions; and*

*WHEREAS, it is in the best interest of the families and children of the State of Idaho to coordinate these programs, while also ensuring that local control is retained; and*

*WHEREAS, greater coordination will allow for an accurate inventory of existing programs along with an increased understanding of the services available for families and children; and*

*WHEREAS, access to accurate information will allow the Governor and the Legislature to have the best information when prioritizing among different programs;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the State of Idaho, do hereby order the:*

1. *Continuation of the "Governor's Coordinating Council for Families and Children" within the Office of the Governor.*
2. *The members shall be appointed and serve for a two-year term at the pleasure of the Governor.*
3. *The objectives for the Coordinating Council shall be as follows:*
  - a. *Maintain a comprehensive inventory of resources and programs serving families and children in Idaho.*
  - b. *Facilitate communication among individuals and organizations that provide services to families and children.*
  - c. *Work with organizations, agencies and individuals to identify gaps in service to families and children.*
  - d. *Work with organizations, agencies and individuals to develop consistent, accurate and timely collection and reporting of data to provide comprehensive statistical measurements on Idaho's families and children.*
  - e. *Develop strong state and local partnerships to foster and support results-based community programs.*
  - f. *Create a statewide awareness of the importance of healthy families and children.*
4. *The coordinating council shall meet and take such actions as are necessary to fulfill the purposes of this Executive Order.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2006-16**

**AUTHORIZING THE ESTABLISHMENT OF THE IDAHO ABRAHAM LINCOLN  
BICENTENNIAL COMMISSION**

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*WHEREAS, the 200<sup>th</sup> anniversary of the birth of President Abraham Lincoln will be celebrated on February 12, 2009; and*

*WHEREAS, President Abraham Lincoln was personally and directly involved in the creation of the Idaho Territory in 1863 by helping select the name "Idaho," lobbying Congress for the passage of our territorial bill, signing the legislation into law in the U.S. Capitol, and appointing our first territorial officers; and*

*WHEREAS, political relations with the Idaho Territory remained important to Abraham Lincoln during his presidential administration since he mentioned the Idaho Territory in his 1863 and 1864 State of the Union Addresses, several times filled vacancies in our territorial offices by appointing successors and invited the delegation from the Idaho Territory to attend Ford's Theatre on the night of his assassination, intending to make additional Idaho appointments the next week; and*

*WHEREAS, the United States of America and the States of Illinois, Indiana, Kentucky, Rhode Island, and New York have each established Bicentennial Commissions to create and conduct appropriate recognition celebrations; and*

*WHEREAS, Abraham Lincoln was among the greatest Presidents of the United States embodying equality, freedom and opportunity for all and leading the Nation through the Civil War to preserve the Union; and*

*WHEREAS, a recognition and celebration of the birth of Abraham Lincoln and his special relationship to Idaho will serve important ceremonial and educational functions for the citizens of our State and the Nation.*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order the following:*

- 1. There shall be established an Idaho Abraham Lincoln Bicentennial Commission.*
- 2. The purpose of the Commission shall be to:*
  - a. Plan for a statewide recognition and celebration of the 200<sup>th</sup> anniversary of Lincoln's birth;*
  - b. To educate the people of Idaho and the Nation about the unique relationship between the Idaho Territory and the sixteenth President of the United States;*
  - c. To encourage and coordinate the activities of local historical societies, civic groups, public schools, institutions of higher education, chambers of commerce and other entities to celebrate the Lincoln Bicentennial;*
  - d. To coordinate and establish a liaison with the Abraham Lincoln Bicentennial Commission of the United States and its Advisory Committee and those commissions established by other states;*
  - e. To seek volunteer assistance, monetary donations, public and private grants, and legislative appropriations in support of its mission;*



- f. *To support research, publications, historical analysis and exploration, the acquisition and preservation of artifacts and displays appropriate to the presentation and explanation of the career and contributions of Abraham Lincoln to the United States and Idaho;*
      - g. *To issue such interim and final reports and periodicals as shall advance the Commission's work.*
- 3. *The membership of the Commission shall be seventeen (19) individuals serving through calendar year 2009. The membership shall be as follows:*
  - a. *the Governor or a designee;*
  - b. *the Lieutenant Governor or a designee;*
  - c. *the Secretary of State or a designee;*
  - d. *the Attorney General or a designee;*
  - e. *the Superintendent of Public Instruction or a designee;*
  - f. *the State Treasurer or a designee;*
  - g. *the State Controller or a designee;*
  - h. *a member of the Idaho State Senate, designated by the President Pro Tem;*
  - i. *a member of the Idaho House of Representatives, designated by the Speaker;*
  - j. *the Chief Justice of the Idaho Supreme Court or a designee;*
  - k. *the Director of the Idaho State Historical Society;*
  - l. *three individuals appointed by the Governor from the leaders or active members of local or regional historical societies from throughout the State, including one from Lewiston, the original territorial capitol;*
  - m. *the Director of the Idaho Department of Commerce and Labor;*
  - n. *the Director of the Idaho Human Rights Commission; and*
  - o. *three individuals appointed by the Governor who have demonstrated dedication to the study or education of historical matters and have substantial knowledge of Abraham Lincoln and Idaho history.*
- 4. *Vacancies on the Commission shall be filled by the Governor.*
- 5. *The Commission may recommend additional members to the Governor, as it deems appropriate and may establish sub-committees consistent with the needs of the Commission. The Governor will select the Chair of the Commission. The Commission shall meet at least twice during calendar year 2006 as determined by the Chair, and as frequently thereafter as the role and mission of the Commission shall require.*
- 6. *The Commission members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.*
- 7. *The Commission shall receive administrative and technical staff support from the Idaho State Historical Society or such other agencies as shall be designated by the Governor.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 28th day of April in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING**  
**DOCKET NO. 07-0104-0502**  
**NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 07-0104-0502. This agency action for this final rulemaking is authorized pursuant to Section 54-1006(5), Idaho Code.

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

Pursuant to House Concurrent Resolution No. 55 (HCR 055), Docket No. 07-0104-0502 is not consistent with legislative intent and has been rejected and is declared null, void, and of no force and effect. The text of the rule remains as codified prior to this rulemaking.

The original text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Volume 05-10, pages 77 through 79.

The pending rule was published in the January 4, 2006, Idaho Administrative Bulletin, Volume 06-01, page 33.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Stephen L. Keys, Bureau Chief, 332-8986.

DATED this 26th day of April, 2006.

Stephen L. Keys, Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

# **IDAPA 08 - RULES OF THE STATE BOARD OF EDUCATION**

## **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-0602**

### **NOTICE OF RULEMAKING - PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, and 33-1258 Idaho Code.

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

**June 20, 2006 from 7:00-9:00 p.m. Mountain Time  
In the Joe R. William Building, East Conference Room  
700 W. State St., Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by telephoning into the public hearing:

**Dial-in number: 800-432-0355 (access code: 0120199); or  
Via the State Department of Education website: <http://www.sde.state.id.us/certification>**

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:

According to Section 33-1258, Idaho Code, the Professional Standards Commission (PSC) may make recommendations to the state board of education in such areas as teacher education. No Child Left Behind (NCLB) requires that all Idaho teachers of core subjects (English, reading, or language; drama, music, or art; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography) be highly qualified by the end of the 2005-2006 school year. Many Idaho school districts have approached the Professional Standards Commission about being able to hire highly qualified, out-of-state teachers by the deadline because these teachers have to meet Idaho's general education requirements for lower division coursework before receiving Idaho certification, coursework that duplicates that which they took for their degrees. Research revealed that these individuals have graduated from out-of-state, accredited colleges/universities with very similar general education requirements as Idaho's. Lower division coursework from out-of-state, accredited colleges/universities would be acceptable for the general education requirements for the following Idaho certificates: Standard Elementary Certificate, Standard Secondary Certificate, Early Childhood/Early Childhood Special Education Blended Certificate, and Exceptional Child Certificate.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because teams of experts reviewed and recommended revisions of the general education requirements to the Professional Standards Commission, which approved the recommendations on April 14, 2006.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

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 June 28, 2006.

DATED this 3rd day of May, 2006.

Karen Echeverria  
Chief Administration and Governmental Affairs Officer  
Idaho State Board of Education  
650 W. State Street  
PO Box 83720, Boise, Idaho 83720-0027  
Phone: (208) 332-1567 Fax: (208) 334-2632

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**Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.**

**This docket has been previously published as a Temporary Rule.  
The temporary effective date is February 23, 2006.**

**The original text of the Temporary Rule was published in the Idaho  
Administrative Bulletin, Volume 06-4, April, 2006,  
pages 15 through 19.**

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0602**

**018. STANDARD ELEMENTARY CERTIFICATE.**

A Standard Elementary Certificate makes an individual eligible to teach grades Kindergarten (K) through eight (8), and may be issued to any person who has a bachelor's degree from an accredited college or university and who meets the following requirements: (3-16-04)

~~**021. General Education Requirements.** *A minimum of forty-four (44) semester credit hours, or sixty-six (66) quarter credit hours, in general education selected from the following areas: the humanities, the social sciences, the fine arts, mathematics, natural sciences, and language skills. These credits shall include the following: Completion of the general education requirements at an accredited college or university is required.* (3-16-04)( )~~

~~**a.** *Twelve (12) semester credit hours, or eighteen (18) quarter credit hours, of English, including composition and literature.* (3-16-04)~~

~~**b.** *Twelve (12) semester credit hours, or eighteen (18) quarter credit hours, of social science, including U.S. history and/or American (federal) government (psychology will not satisfy this requirement). Course work accepted as social science shall be earned through these departments: History, Political Science, Sociology, Anthropology, Economics and/or Geography.* (3-16-04)~~

~~**c.** *Eight (8) semester credit hours, or twelve (12) quarter credit hours, in two (2) or more areas of natural science (psychology will not satisfy this requirement). The three (3) natural science areas are: Biological Science, Physical Science and Earth Science.* (3-16-04)~~

~~**d.** *Three (3) semester credit hours, or four (4) quarter credit hours, of fine arts (music or art) department course work.* (3-16-04)~~

~~**e.** *Six (6) semester credit hours, or nine (9) quarter credit hours, in math department course work.*~~

(3-16-04)

~~f. Three (3) semester credit hours, or four (4) quarter credit hours, in the content or methods of physical education and/or health education, exclusive of activity classes. (3-16-04)~~

**042. Professional Education Core Requirements.** (3-16-04)(\_\_\_\_)

a. A minimum of twenty-four (24) semester credit hours, or thirty-six (36) quarter credit hours, in the philosophical, psychological, and methodological foundations and in the professional subject matter of elementary education, which shall include at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading and its application to the content area. (3-16-04)

b. At least six (6) semester credit hours, or nine (9) quarter credit hours, of elementary student teaching or two (2) years of satisfactory experience as a teacher in grades K-8. (3-16-04)

**03. Additional Requirements.** An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades Kindergarten (K) through eight (8). (3-16-04)

**04. Ninth Grade Endorsement.** If an individual with a Standard Elementary Certificate completes the requirements for a subject area endorsement as outlined under requirements for a Standard Secondary Certificate, an endorsement allowing teaching of that subject through grade nine (9) may be added to the Standard Elementary Certificate. (3-16-04)

**05. Proficiency.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved elementary content area and pedagogy assessments. (3-16-04)

**019. EARLY CHILDHOOD / EARLY CHILDHOOD SPECIAL EDUCATION BLENDED CERTIFICATE.**

An Early Childhood / Early Childhood Special Education Blended Certificate is non-categorical and makes an individual eligible to teach in any educational setting for youth from birth to grade three (3), including those who are at-risk or have developmental delays. The Early Childhood / Early Childhood Special Education Blended Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: (3-16-04)

~~021. General Education Requirements. A minimum of forty-four (44) semester credit hours, or sixty-six (66) quarter credit hours, in general education selected from the following areas: the humanities, the social sciences, the fine arts, mathematics, natural sciences, and language skills. These credits shall include the following: Completion of the general education requirements at an accredited college or university is required. (3-16-04)(\_\_\_\_)~~

~~a. Twelve (12) semester credit hours, or eighteen (18) quarter credit hours, of English, including composition and literature. (3-16-04)~~

~~b. Twelve (12) semester credit hours, or eighteen (18) quarter credit hours, of social science, including U.S. history and/or American (federal) government (psychology will not satisfy this requirement). Course work accepted as social science must be earned through these departments: History, Political Science, Sociology, Anthropology, Economics and/or Geography. (3-16-04)~~

~~c. Eight (8) semester credit hours, or twelve (12) quarter credit hours, in two (2) or more areas of natural science (psychology will not satisfy this requirement). The three (3) natural science areas are: Biological Science, Physical Science and Earth Science. (3-16-04)~~

~~d. Three (3) semester credit hours, or four (4) quarter credit hours, of fine arts (music or art) department course work. (3-16-04)~~

~~e. Six (6) semester credit hours, or nine (9) quarter credit hours, in math department course work. (3-16-04)~~

~~f. Three (3) semester credit hours, or four (4) quarter credit hours, in the content or methods of physical education and/or health education, exclusive of activity classes. (3-16-04)~~

**042. Professional Education Requirements. (3-16-04)**

a. A minimum of thirty (30) semester credit hours, or forty-five (45) quarter credit hours, in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter of early childhood and early childhood-special education shall include course work specific to the young child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies. (3-16-04)

b. The required thirty (30) semester credit hours, or forty-five (45) quarter credit hours, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. (3-16-04)

**03. Additional Requirements.** An institutional recommendation from an accredited college or university, and passage of the Idaho Comprehensive Literacy Exam. (3-16-04)

**04. Proficiency.** Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. (3-16-04)

**020. STANDARD SECONDARY CERTIFICATE.**

A Standard Secondary Certificate makes an individual eligible to teach in grades six (6) through twelve (12). A Secondary Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: (3-16-04)

**01. General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. ( )

**042. Professional Education Core Requirements. (3-16-04)( )**

a. A minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, and methodological foundations, instructional technology, and in the professional subject matter of secondary education, which must include at least three (3) semester credit hours, or four (4) quarter credit hours, of reading in the content area. (3-16-04)

b. The required twenty (20) semester credit hours, or thirty (30) quarter credit hours, must also include at least six (6) semester credit hours, or nine (9) quarter credit hours, of secondary student teaching or two (2) years of satisfactory experience as a teacher in grades six (6) through twelve (12). (3-16-04)

**023. General Education Teaching Field Requirements.** Preparation in at least two (2) fields of secondary teaching: a ~~major subject~~ first teaching field of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, and a ~~minor subject~~ second teaching field of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of ~~a major and minor~~ the first teaching field or second teaching field requirements. (3-16-04)( )

**034. Additional Requirements.** An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades six (6) through twelve (12). (3-16-04)

**045. Proficiency.** Proficiency in areas noted above is measured by completion of the credit hour

requirements provided herein. Additionally, each candidate must have a qualifying score on an approved content area assessment in any area(s) for which the certificate or endorsement(s) will be applied. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**028. EXCEPTIONAL CHILD CERTIFICATE.**

Holders of this certificate work with children who have been identified as having an educational impairment. (3-16-04)

**01. General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. ( )

**042. Generalist Endorsement (K-12).** The Generalist K-12 endorsement is non-categorical and allows one (1) to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: (3-16-04)

- a. Completion of a baccalaureate degree from an accredited college or university. (3-16-04)
- b. Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion, in an out-of-state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed. (3-16-04)
- c. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program. (3-16-04)
- d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-16-04)

**023. Hearing Impairment (K-12).** Completion of a minimum of thirty (30) semester credit hours in the area of hearing impairment. An institutional recommendation specific to this endorsement is required. (3-16-04)

**034. Visual Impairment (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. (3-16-04)

**045. Seriously Emotionally Disturbed (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of seriously emotionally disturbed. An institutional recommendation specific to this endorsement is required. (3-16-04)

**056. Severe Retardation (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of severe retardation. An institutional recommendation specific to this endorsement is required. (3-16-04)

**067. Multiple Impairment (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of multiple impairment. An institutional recommendation specific to this endorsement is required. (3-16-04)

**078. Physical Impairment (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of physical impairment. An institutional recommendation specific to this endorsement is required. (3-16-04)



# IDAPA 08 - RULES OF THE STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0603

### NOTICE OF RULEMAKING - PROPOSED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, and 33-1258 Idaho Code.

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

**June 20, 2006 from 7:00-9:00 p.m. Mountain Time  
In the Joe R. William Building, East Conference Room  
700 W. State St., Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by telephoning into the public hearing:

**Dial-in number: 800-432-0355 (access code: 0120199); or  
Via the State Department of Education website: <http://www.sde.state.id.us/certification>**

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:

According to Section 33-1258, Idaho Code, the Professional Standards Commission (PSC) may make recommendations for improving professional teacher standards. Periodic development, review, and revision of the current Idaho's teacher standards are necessary to ensure that the standards align with best practices in the teaching profession. The No Child Left Behind Act, State Board highly qualified teacher requirements, and Idaho K-12 student requirements also make such a standards review and revision process critical. For this specific promulgation, Idaho standards for the preparation of teachers of early childhood/early childhood special education, bilingual education/English as a New Language, physical education, and health, and standards for the preparation of administrators, including superintendents, principals, and special education directors, in the incorporated by reference document The Idaho Standards for the Initial Certification of Professional School Personnel have been reviewed and revised.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: No fee is being imposed or increased by this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because teams of content area experts reviewed and recommended revisions of the standards to the Professional Standards Commission, which approved the revisions on February 2, 2006.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

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 June 28, 2006.

DATED this 3rd day of May, 2006.

Karen Echeverria  
Chief Administration and Governmental Affairs Officer  
Idaho State Board of Education  
650 W. State Street  
PO Box 83720, Boise, Idaho 83720-0027  
Phone: (208) 332-1567 Fax: (208) 334-2632

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0603**

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates into its rules: (4-5-00)

**01. Incorporated Document.** The Idaho Standards for the Initial Certification of Professional School Personnel as approved in ~~June~~ April 2005~~6~~. (~~4-11-06~~)(    )

**02. 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.idahoboardofed.org>. (3-16-04)

**03. Incorporated Document.** The Standards for Idaho School Buses and Operations as approved on August 13, 2004. (4-6-05)

**04. 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)

**05. Incorporated Document.** The Idaho Standards for Public School Driver Education and Training as approved on August 13, 2004. (4-6-05)

**06. 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. (5-3-03)

**07. Incorporated Document.** The Idaho Standards for Commercial Driving Schools as approved on March 10, 2005. (4-11-06)

**08. Document Availability.** The Idaho Standards for Commercial Driving Schools is available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (3-14-05)

# **IDAPA 08 - RULES OF THE STATE BOARD OF EDUCATION**

## **08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-0604**

### **NOTICE OF RULEMAKING - PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, and 33-1258 Idaho Code.

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

**June 20, 2006 from 7:00-9:00 p.m. Mountain Time  
In the Joe R. William Building, East Conference Room  
700 W. State St., Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by telephoning into the public hearing:

**Dial-in number: 800-432-0355 (access code: 0120199); or  
Via the State Department of Education website: <http://www.sde.state.id.us/certification>**

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:

According to Section 33-1258, Idaho Code, the Professional Standards Commission (PSC) may make recommendations for promoting professional practices and competence of the teaching profession. Feedback from teacher preparation standards review teams of K-12 and higher education content area experts confirmed the need to review and revise specific teacher endorsement requirements to ensure the requirements align with Idaho's performance-based teacher preparation standards and the needs of Idaho schools/districts/students. The No Child Left Behind Act, State Board highly qualified teacher requirements and Idaho K-12 student requirements also make such an endorsement review and revision process critical. Idaho endorsement requirements for teachers of early childhood/early childhood special education, bilingual education/English as a New Language, physical education, health, and physical education-health; and standards for the preparation of administrators, including superintendents, principals, and special education directors, have been revised.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: No fee is being imposed or increased by this rulemaking.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because teams of content area experts, including K-12 teachers and college/university educators, reviewed and recommended revisions to the endorsement requirements and those recommendations were approved by the Professional Standards Commission.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

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 June 28, 2006.

DATED this 3rd day of May 2006.

Karen Echeverria  
Chief Administration and Governmental Affairs Officer  
Idaho State Board of Education  
650 W. State Street  
PO Box 83720, Boise, Idaho 83720-0027  
Phone: (208) 332-1567 Fax: (208) 334-2632

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0604**

**022. ENDORSEMENTS A - D.**

**01. Agriculture Science and Technology (6-12).** (3-16-04)

**a.** Forty-five (45) semester credit hours including course work in each of the following areas: agriculture education; agriculture mechanics; agriculture business management; soil science; animal science; and plant science. (3-16-04)

**b.** Occupational teacher preparation coursework as provided in Sections 034 through 038. (3-16-04)

**02. American Government /Political Science (6-12).** Twenty (20) semester credit hours to include: a minimum of six (6) semester credit hours in American Government, six (6) semester credit hours in U.S. History Survey, and a minimum of three (3) semester credit hours in Comparative Government. Remaining course work must be selected from Political Science. Course work may include three (3) semester credit hours in World History Survey. (4-11-06)

**03. Art (K-12 or 6-12).** Twenty (20) semester credit hours in the area of Art to include a minimum of nine (9) semester credit hours in: Foundation Art and Design. Additional course work must include at least two (2) Studio Areas and Secondary Arts Methods. To obtain an Art (K-12) endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. (4-11-06)

**04. Bilingual Education (K-12).** Twenty (20) semester credit hours to include six (6) upper division credits in Modern Languages, including writing and literature; three (3) semester credit hours in *Cultural Diversity in the target language and/or in* cross-cultural or multi-cultural course work; ~~seven (7) semester credit hours in English as a Second Language, which shall include~~ three (3) semester credit hours in ENL/Bilingual Methodologys; ~~and three (3) semester credit hours in Linguistics; three (3) semester credit hours in Foundations, Federal and State Law, Theory, Testing/identification of Limited English Proficient Students;~~ one (1) semester credit hour in Bilingual Practicum; ~~or and one (1) semester credit hour in Bilingual Field Experience, with remaining credit hours in foundations, applied linguistics, testing, or bilingual education. Additionally, no more than five (5) semester credit hours of workshop credit will be accepted for this endorsement.~~ (3-16-04)(\_\_\_\_)

**05. Biological Science (6-12).** Twenty (20) semester credit hours to include at least six (6) semester credit hours of course work in each of the following areas: Botany and Zoology. (3-16-04)

**06. Business Technology Education (6-12).** (3-16-04)

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: Intermediate or Advanced Keyboarding; Accounting; and Business/Office Procedures. (3-16-04)

- b.** Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)
- 07. Chemistry (6-12).** Twenty (20) semester credit hours in the area of Chemistry. (3-16-04)
- 08. Communication (6-12).** Follow one (1) of the following options: (3-16-04)
- a.** Option I: Twenty (20) semester credit hours to include Methods of Teaching Speech/Communications plus course work in at least four (4) of the following areas: Interpersonal Communication/Human Relations; Argumentation/Personal Persuasion; Group Communications; Nonverbal Communication; Public Speaking; and Drama/Theater Arts. (3-16-04)
- b.** Option II: Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: Interpersonal Communication/Human Relations, Public Speaking, and Methods of Teaching Speech/Communication. (3-16-04)
- 09. Communications/Drama (6-12).** Twenty (20) semester credit hours including a minimum of six (6) credit hours in each of the following areas: Communications and Drama. (3-16-04)
- 10. Drama (6-12).** Follow one (1) of the following options: (4-11-06)
- a.** Twenty (20) semester credit hours, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts and four (4) semester credit hours in Communications. (3-16-04)
- b.** Possess an endorsement in English plus a minimum of nine (9) semester credit hours including course work in each of the following: Acting, Directing, and Technical Stage Production. (4-11-06)
- 11. Driver Education (6-12).** Two (2) semester credit hours in Basic Driver Education for Teachers and two (2) semester credit hours in any of the following: Advanced Driver Education; Driver Simulation Education; Traffic Engineering; General Safety Education; or Highway Transportation. Additionally, an individual must have three (3) years of satisfactory driving experience immediately prior to endorsement as verified by the Motor Vehicle Division of the State Department of Transportation. (3-16-04)
- 023. ENDORSEMENTS E - L.**
- 01. Earth Science (6-12).** Twenty (20) semester credit hours including course work in each of the following: Earth Science, Astronomy, and Geology. (4-11-06)
- 02. Economics (6-12).** Twenty (20) semester credit hours to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of Personal Finance/Consumer Economics/Economics Methods. Remaining course work may be selected from economics and finance course work in one (1) or more of the following areas: Agriculture Science and Technology, Business Education, Economics, Family and Consumer Science, or Marketing Education. (4-11-06)
- 03. Education Media Generalist (K-12).** Twenty (20) semester credit hours in the field of Education Media or Library Science, including a minimum of fifteen (15) credit hours of course work distributed among each of the following: Material Selection/Collection Development; Literature for Youth; Organization/Administration of Educational Materials; Library Automation/Information Technology Research Methods. (3-16-04)
- 04. English (6-12).** Twenty (20) semester credit hours, including three (3) semester credit hours in Linguistics/Grammar, three (3) semester credit hours in American Literature, three (3) semester credit hours in English Literature, six (6) semester credit hours in Advanced Composition, excluding the introductory sequence designed to meet general education requirements. Remaining credits must be completed in the English Department, and must include some course work in Writing Methods for Teachers of Secondary Students. (3-16-04)
- 05. English as a ~~Second~~ New Language (ESNL) (K-12).** Twenty (20) semester credit hours to include

four (4) semester credit hours in Modern Languages; three (3) semester credit hours in Cultural Diversity; three (3) semester credit hours in ESNL Methods; ~~three (3) semester credits in Linguistics~~; three (3) semester credit hours in ~~Philosophical~~ Foundations, ~~Federal and State Law~~, Theory, Testing/Identification of Limited English Proficient Students ~~OR Applied Linguistics in ESL~~; one (1) semester credit in ESNL Practicum or Field Experience; and three (3) semester credit hours in an ESNL related elective. ~~Additionally, no more than five (5) semester credits of workshop will be accepted for this endorsement.~~ (3-16-04)(\_\_\_\_)

**06. Family and Consumer Science (6-12).** (3-16-04)

**a.** Thirty (30) semester credit hours to include coursework in each of the following: Child/Human Development; Human/Family Relations; Directed Laboratory Experience in Childcare; Clothing and Textiles, Cultural Dress, Fashion Merchandising, or Design Nutrition; Food Preparation, Food Production, or Culinary Arts; Housing, Interior Design, Home Management, or Equipment; Consumer Economics or Family Resource Management; Introduction to Family Consumer Sciences; and, Integration of Family Consumer Sciences or Family Consumer Science Methods. (3-16-04)

**b.** Occupational Teacher Preparation as provided in Sections 034 through 038. (3-16-04)

**07. Foreign Language (6-12 or K-12).** Twenty (20) semester credit hours in a specific foreign language including course work in two (2) or more of the following areas: Grammar, Conversation, Composition, Culture, and Literature; and course work in Foreign Language Methods. To obtain an endorsement in a specific foreign language (K-12), applicants holding a Secondary Certificate must complete an elementary methods course. (4-11-06)

**08. Geography (6-12).** Twenty (20) semester credit hours including course work in Cultural Geography and Physical Geography, and a maximum of six (6) semester credit hours in World History Survey. Remaining semester credit hours must be selected from Geography. (4-11-06)

**09. Geology (6-12).** Twenty (20) semester credit hours in the area of Geology. (3-16-04)

**10. Gifted and Talented (K-12).** Twenty (20) semester credit hours, to include three (3) semester credits hours in each of the following: Foundations of Gifted and Talented Education; Creative/Critical Thinking Skills for Gifted and Talented Students; Social and Emotional Needs of Gifted and Talented Students; Curriculum and Instruction for Gifted and Talented Students; and Practicum and Program Design for Gifted and Talented Education. (3-16-04)

**11. Health (6-12).** Twenty (20) semester credit hours to include course work in Organization/Administration/Planning of a School Health Program; Health ~~Science and Wellness~~; Methods of Teaching Health; ~~and a minimum of twelve (12) semester credit hours in at least four (4) of the following areas:~~ Mental/Emotional Health; ~~Consumer Health~~; Nutrition; Human Sexuality; ~~Aging, Death and Dying~~; ~~Safety and Accident Prevention~~; ~~Fitness/Wellness~~; Substance Use and Abuse; ~~Disease~~; and ~~Community/Environmental Health~~ Theories of Behavior Changes. Remaining semester credits must be in health-related course work. (3-16-04)(\_\_\_\_)

**12. History (6-12).** Twenty (20) semester credit hours to include a minimum of six (6) semester credit hours of U.S. History Survey and a minimum of six (6) semester credit hours of World History Survey. Remaining course work must be in History. Course work may include three (3) semester credit hours in American Government. (4-11-06)

**13. Humanities (6-12).** An endorsement in English, History, Music, Visual Art, Drama, or Foreign Language and twenty (20) semester credit hours in one of the following areas or ten (10) semester credit hours in each of two (2) of the following areas: Literature, Music, Foreign Language, Humanities Survey, History, Visual Art, Philosophy, Drama, Comparative World Religion, Architecture, and Dance. (4-11-06)

**14. Journalism (6-12).** Follow one (1) of the following options: (3-16-04)

**a.** Option I: Twenty (20) semester credit hours to include a minimum of sixteen (16) semester credit hours in Journalism and four (4) semester credit hours in English. (3-16-04)

b. Option II: Possess an English endorsement with a minimum of six (6) semester credit hours in Journalism. (3-16-04)

**024. ENDORSEMENTS M - Z.**

**01. Marketing Technology Education (6-12).** (3-16-04)

a. Twenty (20) semester credit hours to include course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; and Curriculum and Materials Marketing, with remaining credit hours in the field of business. (3-16-04)

b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

**02. Mathematics - Basic (6-12).** Twenty (20) semester credit hours in Mathematics including course work in Algebra, Geometry, and Trigonometry. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in Mathematics. (3-16-04)

**03. Mathematics (6-12).** Twenty (20) semester credit hours including course work in each of the following areas: Geometry, Linear Algebra, Discrete Mathematics, Probability and Statistics, and a minimum of three (3) semester credit hours of Calculus. Statistics course work may be taken from a department other than the mathematics department. (4-11-06)

**04. Music (6-12 or K-12).** Twenty (20) semester credit hours to include course work in the following: Theory and Harmony; Aural Skills, Music History; Conducting; Applied Music; and Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary music methods course. (4-11-06)

**05. Natural Science (6-12).** An endorsement in: Biological Science, Physical Science, Physics, Chemistry, Earth Science, Geology, or Agriculture Science and Technology. Twenty-four (24) semester credit hours are required in each endorsement area as follows: (4-11-06)

a. Biological Science Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. (4-11-06)

b. Physics Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. (4-11-06)

c. Chemistry Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology. (4-11-06)

d. Earth Science or Geology Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. (4-11-06)

e. Agriculture Science and Technology Endorsement. Minimum of four (4) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. Remaining course work must be from the sciences: Biology, Chemistry, Earth Science or Geology, and Physics. (4-11-06)

**06. Physics (6-12).** Twenty (20) semester credit hours in the area of Physics. (3-16-04)

**07. Physical Education (PE) (6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Sport, Movement, and Outdoor Skills; Elementary PE Methods; Secondary PE Methods; Student Evaluation in PE; Administration of a PE Program; ~~Health~~; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise ~~Science~~ Physiology; Kinesiology/Biomechanics; Sports Psychology or Sociology; ~~and Movement~~ Motor Behavior; and Current CPR and First Aid Certification. ~~To obtain a Physical Education K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary PE methods course.~~ (3-16-04)(\_\_\_\_)

08. **Physical Education/Health.** Must have an endorsement in both physical education and health. (3-16-04)( )
09. **Physical Science (6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)
10. **Psychology.** Twenty (20) semester credit hours in the area of Psychology. (3-16-04)
11. **Reading (6-12 or K-12).** Twenty (20) semester credit hours in the area of reading including a minimum of fifteen (15) semester credit hours distributed among each of the following areas: Foundations of Reading or Developmental Reading; Reading in the Content Area; Literature for Youth; Psycholinguistics or Language Development; and Corrective/Diagnostic/Remedial Reading. To obtain a Reading K-12 endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. (3-16-04)
12. **Social Studies (6-12).** Must have an endorsement in History, American Government/Political Science, Economics, Sociology, Psychology, or Geography plus a minimum of twenty (20) semester credit hours of which the following are required: a minimum of six (6) semester credit hours of general U.S. history survey; a minimum of three (3) semester credit hours of American Government. The remaining semester credit hours must include course work from all of the following areas: World History, Geography, Economics, Sociology, and Psychology. (4-11-06)
13. **Sociology (6-12).** Twenty (20) semester credit hours in the area of Sociology. (3-16-04)
14. **Sociology/Anthropology (6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)
15. **Technology Education (6-12).** (3-16-04)
- a. Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation; and Principles of Technology. (3-16-04)
- b. Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**026. ADMINISTRATOR CERTIFICATE.**

Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which ~~he~~ the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership. (3-16-04)( )

01. **School Principal Endorsement (Pre-K-12).** To be eligible for an Administrator Certificate endorsed for School Principal Pre-K-12, a candidate must have satisfied the following requirements: (3-16-04)



- a. Hold a master's degree from an accredited college or university. (3-16-04)
- b. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (~~3-16-04~~)(    )
- c. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (~~3-16-04~~)(    )
- d. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies in the following areas: leadership, ethics, and management of change; all forms of communication, including technology, advocacy, and mediation; customer involvement and public relations; staff development and supervision of instruction; school law and finance (including special education), and grant writing; curriculum development, integration of technology, delivery, and assessment; education of all populations, including special education; and, student behavior management/positive behavior supports/effective discipline of the Idaho Foundation Standards for School Administrators: Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership. (~~3-16-04~~)(    )
- e. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement. (3-16-04)

**02. Superintendent Endorsement.** To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-16-04)

- a. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-16-04)
- b. Have four (4) years of full-time certificated/licensed experience working with ~~students~~ Pre-K-12 students while under contract in an accredited school setting. (~~3-16-04~~)(    )
- c. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12, ~~while holding that state's administrative certificate.~~ (~~3-16-04~~)(    )
- d. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in the following areas in addition to those required for the School Principal Pre-K-12 endorsement: advanced school finance, grant writing, and generation of additional sources of revenue; policy development and school board operations/relations; district-wide support services; employment practices and negotiations; educational product marketing and community relations; and, special services and federal programs Superintendent Leadership, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership. (~~3-16-04~~)(    )
- e. An institutional recommendation is required for a School Superintendent Endorsement. (3-16-04)

**03. Director of Special Education and Related Services Endorsement (Pre-K-12).** To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: (3-16-04)

- a. Hold a master's degree from an accredited college or university. (3-16-04)

**b.** Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting. (3-16-04)

**c.** Obtain college or university verification of demonstrated the competencies *in the following areas: organization and administration of student services, including foundations of special education; leadership, ethics, and management of change; all forms of communication, including technology, advocacy, mediation, and counseling with parents of children with disabilities; customer involvement and public relations; staff development and supervision of instruction; policy development as related to special education and related services; school law and finance as related to special education and related services, and grant writing; curriculum development, integration of technology, delivery, and assessment as related to special education and related services; student behavior management/positive behavioral supports/effective discipline; and, diagnosis and remediation in special education* of the Idaho Foundation Standards for School Administrators: Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership. (3-16-04)(\_\_\_\_)

**d.** Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping. (\_\_\_\_)

**de.** Have completed an administrative internship/practicum in the area of administration of special education and related services. (3-16-04)

**ef.** An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. (3-16-04)

# **IDAPA 08 - RULES OF THE STATE BOARD OF EDUCATION**

## **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0602**

### **NOTICE OF RULEMAKING - PROPOSED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-116, 33-118, and 33-1612, Idaho Code.

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

**June 20, 2006 from 7:00-9:00 p.m. Mountain Time  
In the Joe R. William Building, East Conference Room  
700 W. State St., Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by telephoning into the public hearing:

**Dial-in number: 800-432-0355 (access code: 0120199); or  
Via the State Department of Education website: <http://www.sde.state.id.us/dept>**

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:

In 1996, the State Board of Education rewrote all of its rules. At that time, and after discussions with legislative leadership and the Legislative Services Office, it was determined that the Content Standards should be placed in the rule rather than being incorporated by reference. That decision was made in part because the standards were new. It was also agreed that once the standards were adopted and understood by all school districts, the standards could then be removed from the rule and put into a manual that would be incorporated by reference. The State Board of Education feels that the standards are accepted and understood by school districts, teachers, students, and parents.

The cost to the State Board of Education for maintenance and publication of the standards as part of the rule by the Office of Administrative Rules is approximately \$10,000 per year. By incorporating the document by reference, the State Board of Education will be able to use those funds for other educational purposes. All of the content standards will be stricken from the text of the rule and put into a new manual entitled "Idaho Content Standards" that will then be adopted and incorporated by reference into the rule.

In an effort to save costs for publication, the Administrative Rules Coordinator has agreed to allow the State Board of Education to publish an abbreviated version of the actual text of the rule. The tables that include the Standards, Knowledge Content, and Skills will not be published in this rulemaking, but are being completely removed from the text of the rule. The text being removed from these tables will be included in the "Idaho Content Standards" manual that is proposed for incorporation by reference in this docket.

Content standards in the areas of Reading/Language Arts, Math, Science, Social Studies, Health, Physical Education, and Humanities are included in the Administrative Rules of the State Board of Education. Over the past few years more emphasis has been placed on standards and the alignment of standards to the state assessment to meet the intent of the No Child Left Behind Act (NCLB). One of the requirements of NCLB to verify alignment was to have an outside source evaluate the content standards to determine if there was alignment between the standards and the assessment. HUMRRO was contracted by the Office of the State Board of Education (OSBE) to provide the outside evaluation of this alignment. Its report indicated that there was not a strong alignment between the standards and assessment.

Based on the outcomes of the studies and recommendations from OSBE consultants, it was necessary to reorganize and revise the standards to meet the federal requirements of NCLB. The policy standards demonstrate growth from

year to year in each curricular area and the content standards more clearly define for teachers and administrators what students should know and be able to do. The process included submitting the notice of intent to promulgate rules, development of a website to gather additional input, revisions to the standards documents based on input, and the submission of a temporary rule at the February State Board of Education meeting.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because groups of content area specialists developed grade level policy standards statements and reorganized and revised the curricular standards that were in board rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Pat White, (208) 332-6890 or Dr. Jana Jones, (208) 332-6810.

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 June 28, 2006.

DATED this 3rd day of May, 2006.

Karen Echeverria  
Chief Administration and Governmental Affairs Officer  
Idaho State Board of Education  
650 W. State Street  
PO Box 83720, Boise, Idaho 83720-0027  
Phone: (208) 332-1567 Fax: (208) 334-2632

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**Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.**

**This docket has been previously published as a Temporary Rule.  
The temporary effective date is February 23, 2006.**

**The original text of the Temporary Rule was published in the Idaho  
Administrative Bulletin, Volume 06-4, April 5, 2006, pages 20 through 71.**

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0602**

**004. INCORPORATION BY REFERENCE.**

*There are no documents incorporated by reference into this rule.* The following documents are incorporated into this rule: (3-15-02)(\_\_\_\_)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education on October 17, 2005. Copies of the document can be found on the State Board of Education website at [www.idahoboardofed.org](http://www.idahoboardofed.org). (\_\_\_\_)

(BREAK IN CONTINUITY OF SECTIONS)

Editor's Note: In the following Sections 255 through 993, the various "Content Standards Tables" that are part of the existing codified text of IDAPA 08.02.03 are being deleted in this rulemaking but are not being reprinted and struck out here. Where the text "(STANDARDS TABLE DELETED)" appears in this rulemaking docket, the existing table has been deleted and is being incorporated by reference (see Section 004 of this rule) into the Idaho Achievement Standards by the State Board of Education.

217. -- ~~254999.~~ (RESERVED).

~~255. MATHEMATICS STANDARDS.~~

~~The language of mathematics is a powerful tool for exploring, explaining, and understanding the universe. Proficiency in using mathematics is vital to citizens of an increasingly technological society. When students exit high school they will be able to use mathematics to solve problems in real world situations. Students will apply mathematics across disciplines, using appropriate technology in applying and communicating their strategies and solutions. Appropriate technology may include paper and pencil, graph paper, simple calculators, graphing calculators, computers and spreadsheets, or specialized software. A glossary of mathematical terms can be found in Section 216.~~ (3-15-02)

~~256. MATHEMATICS STANDARDS—GRADE KINDERGARTEN, SECTIONS 257 THROUGH 263.~~

~~257. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted)~~ (3-15-02)

~~258. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted)~~ (3-15-02)

~~259. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is to understand the measurable attributes of objects. (Standards Table Deleted)~~ (3-15-02)

~~260. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted)~~ (3-15-02)

~~261. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted)~~ (3-15-02)

~~262. DATA ANALYSIS, PROBABILITY, AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted)~~ (3-15-02)

~~263. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One (1) of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted)~~ (3-15-02)

~~264. -- 265.~~ (RESERVED).

~~266. MATHEMATICS STANDARDS—GRADE 1, SECTIONS 267 THROUGH 273.~~

~~267. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skill and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~268. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~269. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is to understand the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~270. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~271. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~272. DATA ANALYSIS, PROBABILITY, AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~273. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~274.—275. (RESERVED).~~

~~276. MATHEMATICS STANDARDS—GRADE 2, SECTIONS 277 THROUGH 283.~~

~~277. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~278. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~279. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is to understand the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~280. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~281. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~282. DATA ANALYSIS, PROBABILITY, AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~283. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One (1) of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~284.---285. (RESERVED).~~

~~286. MATHEMATICS STANDARDS—GRADE 3, SECTIONS 287 THROUGH 293.~~

~~287. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~288. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~289. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is to understand the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~290. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~291. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~292. DATA ANALYSIS, PROBABILITY, AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~293. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One (1) of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~294.---295. (RESERVED).~~

~~296. MATHEMATICS STANDARDS—GRADE 4, SECTIONS 297 THROUGH 303.~~

~~297. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~298. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~299. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is to understand the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~300. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~301. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~302. DATA ANALYSIS, PROBABILITY, AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~303. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One (1) of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~304.---305. (RESERVED).~~

~~306. MATHEMATICS STANDARDS GRADE 5, SECTIONS 307 THROUGH 313.~~

~~307. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~308. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~309. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The step in scientific investigation is understanding the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~310. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~311. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~312. DATA ANALYSIS, PROBABILITY AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~313. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~314.---315. (RESERVED).~~

~~316. MATHEMATICS STANDARDS GRADE 6, SECTIONS 317 THROUGH 323.~~

~~317. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~318. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~



~~319. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is understanding the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~320. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~321. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~322. DATA ANALYSIS, PROBABILITY AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~323. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~324.—325. (RESERVED).~~

~~326. MATHEMATICS STANDARDS—GRADE 7, SECTIONS 327 THROUGH 333.~~

~~327. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~328. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~329. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is understanding the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~330. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~331. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~332. DATA ANALYSIS, PROBABILITY AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~333. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~334.—335. (RESERVED).~~

~~336. MATHEMATICS STANDARDS—GRADE 8, SECTIONS 337 THROUGH 343.~~

~~337. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~Rationale: An understanding of numbers and how they are used is necessary in the everyday world. Computational skills and procedures should be developed in context so the learner perceives them as tools for solving problems. (Standards Table Deleted) (3-15-02)~~

~~338. MATHEMATICAL REASONING AND PROBLEM SOLVING.~~

~~Rationale: These processes are essential to all mathematics and must be incorporated in all other mathematics standards. (Standards Table Deleted) (3-15-02)~~

~~339. CONCEPTS AND PRINCIPLES OF MEASUREMENT.~~

~~Rationale: The first step in scientific investigation is understanding the measurable attributes of objects. (Standards Table Deleted) (3-15-02)~~

~~340. CONCEPTS AND LANGUAGE OF ALGEBRA.~~

~~Rationale: Algebra is the language of mathematics and science. Through the use of variables and operations, algebra allows students to form abstract models from contextual information. (Standards Table Deleted) (3-15-02)~~

~~341. CONCEPTS AND PRINCIPLES OF GEOMETRY.~~

~~Rationale: The study of geometry helps students represent and make sense of the world by discovering relationships and developing spatial sense. (Standards Table Deleted) (3-15-02)~~

~~342. DATA ANALYSIS, PROBABILITY AND STATISTICS.~~

~~Rationale: With society's expanding use of data for prediction and decision making, it is important that students develop an understanding of the concepts and processes used in analyzing data. (Standards Table Deleted) (3-15-02)~~

~~343. FUNCTIONS AND MATHEMATICAL MODELS.~~

~~Rationale: One of the central themes of mathematics is the study of patterns, relationships, and functions. Exploring patterns helps students develop mathematical power. (Standards Table Deleted) (3-15-02)~~

~~344.—345. (RESERVED).~~

~~346. MATHEMATICS STANDARDS—GRADES 9 THROUGH 12, SECTIONS 347 THROUGH 353.~~

~~347. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.~~

~~(Standards Table Deleted) (3-15-02)~~

~~348. MATHEMATICAL REASONING AND PROBLEM SOLVING. (Standards Table Deleted) (3-15-02)~~

~~349. CONCEPTS AND PRINCIPLES OF MEASUREMENT. (Standards Table Deleted) (3-15-02)~~

~~350. CONCEPTS AND LANGUAGE OF ALGEBRA. (Standards Table Deleted) (3-15-02)~~

~~351. CONCEPTS AND PRINCIPLES OF GEOMETRY. (Standards Table Deleted) (3-15-02)~~

~~352. DATA ANALYSIS, PROBABILITY, AND STATISTICS. (Standards Table Deleted) (3-15-02)~~

~~353. FUNCTIONS AND MATHEMATICAL MODELS. (Standards Table Deleted) (4-5-00)~~

~~354.—363. (RESERVED).~~

~~364. SOCIAL STUDIES STANDARDS.~~

~~Standards for Critical Thinking and Analytical Skills as well as standards for Evolution of Democracy are listed separately and intended to apply to all social studies courses. (3-15-02)~~

~~01. U.S. History. These United States History standards, organized thematically, are based on the assumption and expectation that knowledge of history is a precondition of political intelligence. Without historical literacy, our students have no understanding of the past as it relates to the present and shapes the future. The key~~

~~skills and knowledge students must acquire and develop in U. S. History include: the understanding that history as a discipline in a democratic society is based on the Jeffersonian principle that the most effective means to prevent the perversion of power into tyranny is to maintain an educated population; an understanding that history is an interaction between the events of the past and the perspectives of the present; an understanding that history requires the critical analysis of cause and effect and the organization of events both chronologically and thematically; and an understanding that history is created by people making decisions in the face of a variety of factors including, but not limited to, considerations of geography, politics, economics, and culture.~~ (3-15-02)

~~02. **Government/Civics.** The goal of education in government and civics is informed, responsible participation in political life by competent citizens committed to the fundamental values and principles upon which American society is based. Ultimately, a free society must rely on the knowledge, skills, and virtue of its citizens and those elected to public office. Civic education, therefore, is essential to the preservation and improvement of American representative government.~~ (3-15-02)

~~“I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.” Thomas Jefferson (1820).~~ (3-15-02)

~~03. **Economics.** The elements of economics transcend several disciplines of study. The analytical study of the unique issues of economics will enable students to understand and appreciate the forces that affect them every day — at home, in the workplace, in the boardroom, and in the halls of government. The key skills students must develop in economics include: an ability to identify and analyze domestic and global economic problems and alternatives; collect, quantify and organize economic evidence; compare benefits and costs; recognize the essential structure of business; and investigate the consequences of change in economic conditions and public policies. The skills learned in economics will allow students to recognize their multiple roles as consumers, business people, and workers, enabling them to reason logically and to avoid the common errors made by individuals who do not understand sound economic principles and responsible personal financial management.~~ (3-15-02)

~~365. **SOCIAL STUDIES STANDARDS—GRADE KINDERGARTEN, SECTIONS 366 THROUGH 378.**~~

~~366. **CRITICAL THINKING AND ANALYTICAL SKILLS.** (Standards Table Deleted) (3-15-02)~~

~~367. **EVOLUTION OF DEMOCRACY.**  
Evolution of Democracy standards do not apply at this grade level. (3-15-02)~~

~~368. **EXPLORATION AND EXPANSION.**  
Exploration and Expansion standards do not apply at this grade level. (3-15-02)~~

~~369. **MIGRATION AND IMMIGRATION.**  
Migration and Immigration standards do not apply at this grade level. (3-15-02)~~

~~370. **POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION.** (Standards Table Deleted) (3-15-02)~~

~~371. **INTERNATIONAL RELATIONS AND CONFLICTS.** (Standards Table Deleted) (3-15-02)~~

~~372. **CULTURAL AND SOCIAL DEVELOPMENT.** (Standards Table Deleted) (3-15-02)~~

~~373. **FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM.** (Standards Table Deleted) (3-15-02)~~

~~374. **ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT.**  
(Standards Table Deleted) (3-15-02)~~

~~375. **CITIZEN RESPONSIBILITIES AND RIGHTS.** (Standards Table Deleted) (3-15-02)~~

~~376. **ECONOMIC FUNDAMENTALS.** (Standards Table Deleted) (3-15-02)~~

~~377. **ECONOMIC INFLUENCES.**~~

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|                                                                                                                                                |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <i>Economic Influences standards do not apply at this grade level. (Standards Table Deleted)</i>                                               | <i>(3-15-02)</i> |
| <b>378. GEOGRAPHY.</b> <i>(Standards Table Deleted)</i>                                                                                        | <i>(3-15-02)</i> |
| <del>379.---380. (RESERVED).</del>                                                                                                             |                  |
| <del>381. SOCIAL STUDIES STANDARDS GRADE 1, SECTIONS 382 THROUGH 394.</del>                                                                    |                  |
| <del>382. CRITICAL THINKING AND ANALYTICAL SKILLS.</del> <i>(Standards Table Deleted)</i>                                                      | <i>(3-15-02)</i> |
| <del>383. EVOLUTION OF DEMOCRACY.</del><br><i>Evolution of Democracy standards do not apply at this grade level. (Standards Table Deleted)</i> | <i>(3-15-02)</i> |
| <del>384. EXPLORATION AND EXPANSION.</del> <i>(Standards Table Deleted)</i>                                                                    | <i>(3-15-02)</i> |
| <del>385. MIGRATION AND IMMIGRATION.</del> <i>(Standards Table Deleted)</i>                                                                    | <i>(3-15-02)</i> |
| <del>386. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION.</del> <i>(Standards Table Deleted)</i>   | <i>(3-15-02)</i> |
| <del>387. INTERNATIONAL RELATIONS AND CONFLICTS.</del> <i>(Standards Table Deleted)</i>                                                        | <i>(3-15-02)</i> |
| <del>388. CULTURAL AND SOCIAL DEVELOPMENT.</del> <i>(Standards Table Deleted)</i>                                                              | <i>(3-15-02)</i> |
| <del>389. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM.</del> <i>(Standards Table Deleted)</i>                                                 | <i>(3-15-02)</i> |
| <del>390. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT.</del><br><i>(Standards Table Deleted)</i>                           | <i>(3-15-02)</i> |
| <del>391. CITIZEN RESPONSIBILITIES AND RIGHTS.</del> <i>(Standards Table Deleted)</i>                                                          | <i>(3-15-02)</i> |
| <del>392. ECONOMIC FUNDAMENTALS.</del> <i>(Standards Table Deleted)</i>                                                                        | <i>(3-15-02)</i> |
| <del>393. ECONOMIC INFLUENCES.</del><br><i>Economic Influences standards do not apply at this grade level. (Standards Table Deleted)</i>       | <i>(3-15-02)</i> |
| <del>394. GEOGRAPHY.</del> <i>(Standards Table Deleted)</i>                                                                                    | <i>(3-15-02)</i> |
| <del>395.---396. (RESERVED).</del>                                                                                                             |                  |
| <del>397. SOCIAL STUDIES STANDARDS GRADE 2, SECTIONS 398 THROUGH 410.</del>                                                                    |                  |
| <del>398. CRITICAL THINKING AND ANALYTICAL SKILLS.</del> <i>(Standards Table Deleted)</i>                                                      | <i>(3-15-02)</i> |
| <del>399. EVOLUTION OF DEMOCRACY.</del><br><i>Evolution of Democracy standards do not apply at this grade level.</i>                           | <i>(3-15-02)</i> |
| <del>400. EXPLORATION AND EXPANSION.</del> <i>(Standards Table Deleted)</i>                                                                    | <i>(3-15-02)</i> |
| <del>401. MIGRATION AND IMMIGRATION.</del> <i>(Standards Table Deleted)</i>                                                                    | <i>(3-15-02)</i> |
| <del>402. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION.</del> <i>(Standards Table Deleted)</i>   | <i>(3-15-02)</i> |
| <del>403. INTERNATIONAL RELATIONS AND CONFLICTS.</del> <i>(Standards Table Deleted)</i>                                                        | <i>(3-15-02)</i> |
| <del>404. CULTURAL AND SOCIAL DEVELOPMENT.</del> <i>(Standards Table Deleted)</i>                                                              | <i>(3-15-02)</i> |
| <del>405. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM.</del> <i>(Standards Table Deleted)</i>                                                 | <i>(3-15-02)</i> |

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- ~~406. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~407. CITIZEN RESPONSIBILITIES AND RIGHTS. (Standards Table Deleted) (3-15-02)~~
- ~~408. ECONOMIC FUNDAMENTALS. (Standards Table Deleted) (3-15-02)~~
- ~~409. ECONOMIC INFLUENCES. (Standards Table Deleted) (3-15-02)~~
- ~~410. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~411.—412. (RESERVED).~~
- ~~413. SOCIAL STUDIES STANDARDS—GRADE 3, SECTIONS 414 THROUGH 426.~~
- ~~414. CRITICAL THINKING AND ANALYTICAL SKILLS. (Standards Table Deleted) (3-15-02)~~
- ~~415. EVOLUTION OF DEMOCRACY. (Standards Table Deleted) (3-15-02)~~
- ~~416. EXPLORATION AND EXPANSION. (Standards Table Deleted) (3-15-02)~~
- ~~417. MIGRATION AND IMMIGRATION. (Standards Table Deleted) (3-15-02)~~
- ~~418. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION. (Standards Table Deleted) (3-15-02)~~
- ~~419. INTERNATIONAL RELATIONS AND CONFLICTS. (Standards Table Deleted) (3-15-02)~~
- ~~420. CULTURAL AND SOCIAL DEVELOPMENT. (Standards Table Deleted) (3-15-02)~~
- ~~421. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM. (Standards Table Deleted) (3-15-02)~~
- ~~422. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~423. CITIZEN RESPONSIBILITIES AND RIGHTS. (Standards Table Deleted) (3-15-02)~~
- ~~424. ECONOMIC FUNDAMENTALS. (Standards Table Deleted) (3-15-02)~~
- ~~425. ECONOMIC INFLUENCES. (Standards Table Deleted) (3-15-02)~~
- ~~426. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~427.—428. (RESERVED).~~
- ~~429. SOCIAL STUDIES STANDARDS—GRADE 4, SECTIONS 430 THROUGH 442.~~
- ~~430. CRITICAL THINKING AND ANALYTICAL SKILLS. (Standards Table Deleted) (3-15-02)~~
- ~~431. EVOLUTION OF DEMOCRACY. (Standards Table Deleted) (3-15-02)~~
- ~~432. EXPLORATION AND EXPANSION. (Standards Table Deleted) (3-15-02)~~
- ~~433. MIGRATION AND IMMIGRATION. (Standards Table Deleted) (3-15-02)~~
- ~~434. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION. (Standards Table Deleted) (3-15-02)~~
- ~~435. INTERNATIONAL RELATIONS AND CONFLICTS. (Standards Table Deleted) (3-15-02)~~
- ~~436. CULTURAL AND SOCIAL DEVELOPMENT. (Standards Table Deleted) (3-15-02)~~

- ~~437. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM. (Standards Table Deleted) (3-15-02)~~
- ~~438. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~439. CITIZEN RESPONSIBILITIES AND RIGHTS. (Standards Table Deleted) (3-15-02)~~
- ~~440. ECONOMIC FUNDAMENTALS. (Standards Table Deleted) (3-15-02)~~
- ~~441. ECONOMIC INFLUENCES. (Standards Table Deleted) (3-15-02)~~
- ~~442. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~443.—444. (RESERVED).~~
- ~~445. SOCIAL STUDIES STANDARDS—GRADE 5, SECTIONS 446 THROUGH 458.~~
- ~~446. CRITICAL THINKING AND ANALYTICAL SKILLS. (Standards Table Deleted) (3-15-02)~~
- ~~447. EVOLUTION OF DEMOCRACY. (Standards Table Deleted) (3-15-02)~~
- ~~448. EXPLORATION AND EXPANSION. (Standards Table Deleted) (3-15-02)~~
- ~~449. MIGRATION AND IMMIGRATION. (Standards Table Deleted) (3-15-02)~~
- ~~450. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION. (Standards Table Deleted) (3-15-02)~~
- ~~451. INTERNATIONAL RELATIONS AND CONFLICTS. (Standards Table Deleted) (3-15-02)~~
- ~~452. CULTURAL AND SOCIAL DEVELOPMENT. (Standards Table Deleted) (3-15-02)~~
- ~~453. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM. (Standards Table Deleted) (3-15-02)~~
- ~~454. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~455. CITIZEN RESPONSIBILITIES AND RIGHTS. (Standards Table Deleted) (3-15-02)~~
- ~~456. ECONOMIC FUNDAMENTALS. (Standards Table Deleted) (3-15-02)~~
- ~~457. ECONOMIC INFLUENCES. (Standards Table Deleted) (3-15-02)~~
- ~~458. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~459.—460. (RESERVED).~~
- ~~461. SOCIAL STUDIES STANDARDS—HISTORY OF HUMAN CIVILIZATION—MIDDLE GRADES (GRADES 6 THROUGH 8), SECTIONS 462 THROUGH 465.~~
- ~~462. HISTORY OF HUMAN CIVILIZATION. (Standards Table Deleted) (3-15-02)~~
- ~~463. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~464. GOVERNMENT/CIVICS. (Standards Table Deleted) (3-15-02)~~
- ~~465. ECONOMICS. (Standards Table Deleted) (3-15-02)~~
- ~~466.—467. (RESERVED).~~

- ~~468. SOCIAL STUDIES STANDARDS—GEOGRAPHY—MIDDLE GRADES, SECTION 469.~~
- ~~469. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~470.—471. (RESERVED).~~
- ~~472. SOCIAL STUDIES STANDARDS—U.S. HISTORY—MIDDLE GRADES, SECTIONS 473 THROUGH 485.~~
- ~~473. CRITICAL THINKING AND ANALYTICAL SKILLS. (Standards Table Deleted) (3-15-02)~~
- ~~474. EVOLUTION OF DEMOCRACY. (Standards Table Deleted) (3-15-02)~~
- ~~475. EXPLORATION AND EXPANSION. (Standards Table Deleted) (3-15-02)~~
- ~~476. MIGRATION AND IMMIGRATION. (Standards Table Deleted) (3-15-02)~~
- ~~477. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION. (Standards Table Deleted) (3-15-02)~~
- ~~478. INTERNATIONAL RELATIONS AND CONFLICTS. (Standards Table Deleted) (3-15-02)~~
- ~~479. CULTURAL AND SOCIAL DEVELOPMENT. (Standards Table Deleted) (3-15-02)~~
- ~~480. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM. (Standards Table Deleted) (3-15-02)~~
- ~~481. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~482. CITIZEN RESPONSIBILITIES AND RIGHTS. (Standards Table Deleted) (3-15-02)~~
- ~~483. ECONOMIC FUNDAMENTALS. (Standards Table Deleted) (3-15-02)~~
- ~~484. ECONOMIC INFLUENCES. (Standards Table Deleted) (3-15-02)~~
- ~~485. GEOGRAPHY. (Standards Table Deleted) (3-15-02)~~
- ~~486.—487. (RESERVED).~~
- ~~488. SOCIAL STUDIES STANDARDS—GRADES 9 THROUGH 12, SECTIONS 489 THROUGH 490.~~  
*The social studies standards are organized around the three (3) social studies courses currently required by the state of Idaho for high school graduation. These fields of study are economics (one (1) credit), U.S. History (two (2) credits), and government (two (2) credits).* (3-15-02)
- ~~489. CRITICAL THINKING AND ANALYTICAL SKILLS. (Standards Table Deleted) (3-15-02)~~
- ~~490. EVOLUTION OF DEMOCRACY. (Standards Table Deleted) (3-15-02)~~
- ~~491.—492. (RESERVED).~~
- ~~493. UNITED STATES HISTORY, SECTIONS 494 THROUGH 498.~~
- ~~494. EXPLORATION AND EXPANSION. (Standards Table Deleted) (3-15-02)~~
- ~~495. MIGRATION AND IMMIGRATION. (Standards Table Deleted) (3-15-02)~~
- ~~496. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION. (Standards Table Deleted) (3-15-02)~~

- ~~497. INTERNATIONAL RELATIONS AND CONFLICTS. (Standards Table Deleted) (3-15-02)~~
- ~~498. CULTURAL AND SOCIAL DEVELOPMENT. (Standards Table Deleted) (3-15-02)~~
- ~~499.—500. (RESERVED).~~
- ~~501. GOVERNMENT/CIVICS, SECTIONS 502 THROUGH 506.~~
- ~~502. CIVIC LIFE, POLITICS AND GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~503. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM. (Standards Table Deleted) (3-15-02)~~
- ~~504. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT. (Standards Table Deleted) (3-15-02)~~
- ~~505. UNITED STATES FOREIGN AFFAIRS. (Standards Table Deleted) (3-15-02)~~
- ~~506. CITIZEN RESPONSIBILITIES AND RIGHTS. (Standards Table Deleted) (3-15-02)~~
- ~~507.—508. (RESERVED).~~
- ~~509. ECONOMICS, SECTIONS 510 THROUGH 514.~~
- ~~510. FUNDAMENTALS. (Standards Table Deleted) (3-15-02)~~
- ~~511. CONCEPT OF MONEY. (Standards Table Deleted) (3-15-02)~~
- ~~512. INFLUENCES. (Standards Table Deleted) (3-15-02)~~
- ~~513. ECONOMIC INSTITUTIONS. (Standards Table Deleted) (3-15-02)~~
- ~~514. PERSONAL FINANCE. (Standards Table Deleted) (3-15-02)~~
- ~~515.—525. (RESERVED).~~
- ~~526. SCIENCE STANDARDS.~~  
~~The members of the Idaho Science Achievement Standards Subcommittee reviewed a number of Achievement Standards including those developed at the national and state levels. The committee has chosen the National Science Education Standards developed by the National Research Council as a starting point for the Idaho Achievement Standards for science shown here. This approach ensures a common base for local development of strong science curriculums. (3-15-02)~~
- ~~01. Science. Science is a human endeavor that seeks to understand the universe by observation, experimentation, and rational interpretation of observations. At its core, science is a method of asking questions, a method that may be extended to problem solving in many areas of life. An observation leads to a hypothesis. The hypothesis suggests experiments that might be done to further understand the phenomena. These observations and hypotheses are published in scientific literature whereupon they may be replicated, extended, or disproved by others. Hypotheses that prove capable of explaining observations and making predictions about additional phenomena are retained while those that fail this test are discarded. Only those hypotheses that have proven to be successful over considerable periods of time are referred to as “theories”, and even these theories may be supplanted should they prove incapable of explaining new observations. (3-15-02)~~
- ~~02. Reviewing Science Achievement Standards. It is essential to remember that while reviewing these Science Standards, all theories are subject to revision and that theories are not absolute fact. (3-15-02)~~
- ~~527. SCIENCE STANDARDS—GRADE KINDERGARTEN, SECTIONS 528 THROUGH 538.~~
- ~~528. UNIFYING CONCEPTS OF SCIENCE. (Standards Table Deleted) (3-15-02)~~



- ~~529. CONCEPTS OF SCIENTIFIC INQUIRY. (Standards Table Deleted) (3-15-02)~~
- ~~530. CONCEPTS OF PHYSICAL SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~531. CELLULAR AND MOLECULAR CONCEPTS.  
Cellular and Molecular Concepts standards do not apply at this grade level. (3-15-02)~~
- ~~532. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE. (Standards Table Deleted) (3-15-02)~~
- ~~533. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~534. EARTH AND SPACE SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~535. TECHNOLOGY. (Standards Table Deleted) (3-15-02)~~
- ~~536. PERSONAL AND SOCIAL PERSPECTIVES. (Standards Table Deleted) (3-15-02)~~
- ~~537. HISTORY OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~538. INTERDISCIPLINARY CONCEPTS. (Standards Table Deleted) (3-15-02)~~
- ~~539.—541. (RESERVED).~~
- ~~542. SCIENCE STANDARDS—GRADE 1, SECTIONS 543 THROUGH 553.~~
- ~~543. UNIFYING CONCEPTS OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~544. CONCEPTS OF SCIENTIFIC INQUIRY. (Standards Table Deleted) (3-15-02)~~
- ~~545. CONCEPTS OF PHYSICAL SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~546. CELLULAR AND MOLECULAR CONCEPTS.  
Cellular and Molecular Concepts standards do not apply at this grade level. (3-15-02)~~
- ~~547. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE. (Standards Table Deleted) (3-15-02)~~
- ~~548. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~549. EARTH AND SPACE SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~550. TECHNOLOGY. (Standards Table Deleted) (3-15-02)~~
- ~~551. PERSONAL AND SOCIAL PERSPECTIVES. (Standards Table Deleted) (3-15-02)~~
- ~~552. HISTORY OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~553. INTERDISCIPLINARY CONCEPTS. (Standards Table Deleted) (3-15-02)~~
- ~~554.—556. (RESERVED).~~
- ~~557. SCIENCE STANDARDS—GRADE 2, SECTIONS 558 THROUGH 568.~~
- ~~558. UNIFYING CONCEPTS OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~559. CONCEPTS OF SCIENTIFIC INQUIRY. (Standards Table Deleted) (3-15-02)~~

- ~~560. CONCEPTS OF PHYSICAL SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~561. CELLULAR AND MOLECULAR CONCEPTS.  
Cellular and Molecular Concepts standards do not apply at this grade level. (3-15-02)~~
- ~~562. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE. (Standards Table Deleted) (3-15-02)~~
- ~~563. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~564. EARTH AND SPACE SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~565. TECHNOLOGY. (Standards Table Deleted) (3-15-02)~~
- ~~566. PERSONAL AND SOCIAL PERSPECTIVES. (Standards Table Deleted) (3-15-02)~~
- ~~567. HISTORY OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~568. INTERDISCIPLINARY CONCEPTS. (Standards Table Deleted) (3-15-02)~~
- ~~569.—571. (RESERVED).~~
- ~~572. SCIENCE STANDARDS—GRADE 3, SECTIONS 573 THROUGH 583.~~
- ~~573. UNIFYING CONCEPTS OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~574. CONCEPTS OF SCIENTIFIC INQUIRY. (Standards Table Deleted) (3-15-02)~~
- ~~575. CONCEPTS OF PHYSICAL SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~576. CELLULAR AND MOLECULAR CONCEPTS.  
Cellular and Molecular Concepts standards do not apply at this grade level. (3-15-02)~~
- ~~577. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE. (Standards Table Deleted) (3-15-02)~~
- ~~578. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~579. EARTH AND SPACE SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~580. TECHNOLOGY. (Standards Table Deleted) (3-15-02)~~
- ~~581. PERSONAL AND SOCIAL PERSPECTIVES. (Standards Table Deleted) (3-15-02)~~
- ~~582. HISTORY OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~583. INTERDISCIPLINARY CONCEPTS. (Standards Table Deleted) (3-15-02)~~
- ~~584.—586. (RESERVED).~~
- ~~587. SCIENCE STANDARDS—GRADE 4, SECTIONS 588 THROUGH 598.~~
- ~~588. UNIFYING CONCEPTS OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~589. CONCEPTS OF SCIENTIFIC INQUIRY. (Standards Table Deleted) (3-15-02)~~
- ~~590. CONCEPTS OF PHYSICAL SCIENCE. (Standards Table Deleted) (3-15-02)~~

- ~~591. CELLULAR AND MOLECULAR CONCEPTS:~~  
*Cellular and Molecular Concepts standards do not apply at this grade level.* (3-15-02)
- ~~592. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE:~~ (Standards Table Deleted)  
(3-15-02)
- ~~593. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS:~~ (Standards Table Deleted)  
(3-15-02)
- ~~594. EARTH AND SPACE SYSTEMS:~~ (Standards Table Deleted) (3-15-02)
- ~~595. TECHNOLOGY:~~ (Standards Table Deleted) (3-15-02)
- ~~596. PERSONAL AND SOCIAL PERSPECTIVES:~~ (Standards Table Deleted) (3-15-02)
- ~~597. HISTORY OF SCIENCE:~~ (Standards Table Deleted) (3-15-02)
- ~~598. INTERDISCIPLINARY CONCEPTS:~~ (Standards Table Deleted) (3-15-02)
- ~~599.—601. (RESERVED):~~
- ~~602. SCIENCE STANDARDS—GRADE 5, SECTIONS 603 THROUGH 613:~~
- ~~603. UNIFYING CONCEPTS OF SCIENCE:~~ (Standards Table Deleted) (3-15-02)
- ~~604. CONCEPTS OF SCIENTIFIC INQUIRY:~~ (Standards Table Deleted) (3-15-02)
- ~~605. CONCEPTS OF PHYSICAL SCIENCE:~~ (Standards Table Deleted) (3-15-02)
- ~~606. CELLULAR AND MOLECULAR CONCEPTS:~~ (Standards Table Deleted) (3-15-02)
- ~~607. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE:~~  
*Interdependence of Organisms and Biological Change standards do not apply at this grade level.* (3-15-02)
- ~~608. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS:~~ (Standards Table Deleted)  
(3-15-02)
- ~~609. EARTH AND SPACE SYSTEMS:~~ (Standards Table Deleted) (3-15-02)
- ~~610. TECHNOLOGY:~~ (Standards Table Deleted) (3-15-02)
- ~~611. PERSONAL AND SOCIAL PERSPECTIVES:~~ (Standards Table Deleted) (3-15-02)
- ~~612. HISTORY OF SCIENCE:~~ (Standards Table Deleted) (3-15-02)
- ~~613. INTERDISCIPLINARY CONCEPTS:~~ (Standards Table Deleted) (3-15-02)
- ~~614.—616. (RESERVED):~~
- ~~617. SCIENCE STANDARDS—GRADE 6, SECTIONS 618 THROUGH 628:~~
- ~~618. UNIFYING CONCEPTS OF SCIENCE:~~ (Standards Table Deleted) (3-15-02)
- ~~619. CONCEPTS OF SCIENTIFIC INQUIRY:~~ (Standards Table Deleted) (3-15-02)
- ~~620. CONCEPTS OF PHYSICAL SCIENCE:~~ (Standards Table Deleted) (3-15-02)
- ~~621. CELLULAR AND MOLECULAR CONCEPTS:~~ (Standards Table Deleted) (3-15-02)

- ~~622. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE.~~  
*No standards of Interdependence of Organisms and Biological Change apply at this grade level.* (3-15-02)
- ~~623. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS.~~ (Standards Table Deleted) (3-15-02)
- ~~624. EARTH AND SPACE SYSTEMS.~~ (Standards Table Deleted) (3-15-02)
- ~~625. TECHNOLOGY.~~ (Standards Table Deleted) (3-15-02)
- ~~626. PERSONAL AND SOCIAL PERSPECTIVES.~~ (Standards Table Deleted) (3-15-02)
- ~~627. HISTORY OF SCIENCE.~~ (Standards Table Deleted) (3-15-02)
- ~~628. INTERDISCIPLINARY CONCEPTS.~~ (Standards Table Deleted) (3-15-02)
- ~~629.—631. (RESERVED).~~
- ~~632. SCIENCE STANDARDS—MIDDLE GRADES (GRADES 7-8), SECTIONS 633 THROUGH 643.~~  
*Based on the necessary math knowledge and skills, student maturation level, and the need for secondary level Physical Science exposure, it is recommended that Earth Science be scheduled at the middle school level. The standards reflect this recommendation.* (3-15-02)
- ~~633. UNIFYING CONCEPTS OF SCIENCE.~~ (Standards Table Deleted) (3-15-02)
- ~~634. CONCEPTS OF SCIENTIFIC INQUIRY.~~ (Standards Table Deleted) (3-15-02)
- ~~635. CONCEPTS OF PHYSICAL SCIENCE.~~ (Standards Table Deleted) (3-15-02)
- ~~636. CELLULAR AND MOLECULAR CONCEPTS.~~ (Standards Table Deleted) (3-15-02)
- ~~637. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE.~~ (Standards Table Deleted) (3-15-02)
- ~~638. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS.~~ (Standards Table Deleted) (3-15-02)
- ~~639. EARTH AND SPACE SYSTEMS.~~ (Standards Table Deleted) (3-15-02)
- ~~640. TECHNOLOGY.~~ (Standards Table Deleted) (3-15-02)
- ~~641. PERSONAL AND SOCIAL PERSPECTIVES.~~ (Standards Table Deleted) (3-15-02)
- ~~642. HISTORY OF SCIENCE.~~ (Standards Table Deleted) (3-15-02)
- ~~643. INTERDISCIPLINARY CONCEPTS.~~ (Standards Table Deleted) (3-15-02)
- ~~644.—646. (RESERVED).~~
- ~~647. SCIENCE STANDARDS—GRADES 9 THROUGH 12, SECTIONS 648 THROUGH 658.~~
- ~~648. UNIFYING CONCEPTS OF SCIENCE.~~ (Standards Table Deleted) (3-15-02)
- ~~649. CONCEPTS OF SCIENTIFIC INQUIRY.~~ (Standards Table Deleted) (3-15-02)
- ~~650. CONCEPTS OF PHYSICAL SCIENCE.~~ (Standards Table Deleted) (3-15-02)
- ~~651. CELLULAR AND MOLECULAR CONCEPTS.~~ (Standards Table Deleted) (3-15-02)
- ~~652. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE.~~ (Standards Table Deleted) (3-15-02)

- ~~653. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~654. EARTH AND SPACE SYSTEMS. (Standards Table Deleted) (3-15-02)~~
- ~~655. TECHNOLOGY. (Standards Table Deleted) (3-15-02)~~
- ~~656. PERSONAL AND SOCIAL PERSPECTIVES. (Standards Table Deleted) (3-15-02)~~
- ~~657. HISTORY OF SCIENCE. (Standards Table Deleted) (3-15-02)~~
- ~~658. INTERDISCIPLINARY CONCEPTS. (Standards Table Deleted) (3-15-02)~~
- ~~659.---668. (RESERVED).~~
- ~~669. LANGUAGE ARTS/COMMUNICATIONS STANDARDS.  
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. (5-3-03)~~
- ~~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. (Standards Table Deleted) (4-6-05)~~
- ~~672. WRITING.  
Rationale: Write to demonstrate skill and conventions according to purpose and audience. (Standards Table Deleted) (3-15-02) (4-6-05)~~
- ~~673. LISTENING.  
Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. (Standards Table Deleted) (4-6-05)~~
- ~~674. SPEAKING.  
Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. (Standards Table Deleted) (4-6-05)~~
- ~~675. VIEWING.  
Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (3-15-02)~~
- ~~676.---678. (RESERVED).~~
- ~~679. LANGUAGE ARTS/COMMUNICATIONS STANDARDS—GRADE 1, SECTIONS 680 THROUGH 684.~~
- ~~680. READING.  
Rationale: Read a variety of grade-level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (3-15-02)~~
- ~~681. WRITING.  
Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (3-15-02)~~
- ~~682. LISTENING.~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~683. **SPEAKING.**~~

~~Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (3-15-02)~~

~~684. **VIEWING.**~~

~~Rationale: Use skills of viewing to effectively understand and comprehend visually presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (3-15-02)~~

~~685.—687. **(RESERVED).**~~

~~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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (3-15-02)~~

~~690. **WRITING.**~~

~~Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (3-15-02)~~

~~691. **LISTENING.**~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~692. **SPEAKING.**~~

~~Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (3-15-02)~~

~~693. **VIEWING.**~~

~~Rationale: Use skills of viewing to effectively understand and comprehend visually presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (3-15-02)~~

~~694.—696. **(RESERVED).**~~

~~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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~699. **WRITING.**~~

~~Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~700. **LISTENING.**~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

**701. SPEAKING.**

*Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**702. VIEWING.**

*Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (5-3-03)*

**703.—705. (RESERVED).**

**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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**708. WRITING.**

*Rationale: Students write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**709. LISTENING.**

*Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**710. SPEAKING.**

*Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**711. VIEWING.**

*Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (3-15-02)*

**712.—714. (RESERVED).**

**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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**717. WRITING.**

*Rationale: Students write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**718. LISTENING.**

*Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)*

**719. SPEAKING.**

*Rationale: Use skills of speaking to effectively present information and present analyses or critiques of written or*

~~viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~720. VIEWING.~~

~~Rationale: Use viewing skills to understand and comprehend visually presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (4-6-05)~~

~~721. -- 723. (RESERVED).~~

~~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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~726. WRITING.~~

~~Rationale: Students write to demonstrate skills and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~727. LISTENING.~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~728. SPEAKING.~~

~~Rationale: Use skills of speaking to effectively present information and present analyses or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~729. VIEWING.~~

~~Rationale: Use skills of viewing to effectively understand and comprehend visually presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (5-3-03)~~

~~730. -- 732. (RESERVED).~~

~~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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~735. WRITING.~~

~~Rationale: Students write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~736. LISTENING.~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~737. SPEAKING.~~

~~Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~



~~738. VIEWING.~~

~~Rationale: Use skills of viewing to effectively understand and comprehend visually-presented information and use visual elements to produce visual presentations. (Standards Table Deleted) (4-6-05)~~

~~739.---741. (RESERVED).~~

~~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. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~744. WRITING.~~

~~Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~745. LISTENING.~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~746. SPEAKING.~~

~~Rationale: Use skills of speaking to effectively present information and present analysis or critiques of written and viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~747. VIEWING.~~

~~Rationale: Use skills of viewing to effectively understand and comprehend visually-presented material and use visual elements to produce visual presentations. (Standards Table Deleted) (4-6-05)~~

~~748.---750. (RESERVED).~~

~~751. LANGUAGE ARTS/COMMUNICATIONS STANDARDS--GRADES 9 THROUGH 12, SECTIONS 752 THROUGH 756.~~

~~752. READING.~~

~~Rationale: Read a variety of grade level materials and apply strategies appropriate to various situations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~753. WRITING.~~

~~Rationale: Write to demonstrate skill and conventions according to purpose and audience. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~754. LISTENING.~~

~~Rationale: Use skills of listening to effectively understand, comprehend, and critique oral and visual presentations. Content knowledge and skills of prior grade levels must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~755. SPEAKING.~~

~~Rationale: Use skills of speaking to effectively present information and present analysis of critiques of written or viewed material. Content knowledge and skills of prior grade level must be acquired in addition to addressing current grade level. (Standards Table Deleted) (4-6-05)~~

~~756. VIEWING. (Standards Table Deleted)~~

~~(3-15-02)~~

~~757.---766. (RESERVED).~~

~~767. HEALTH STANDARDS.~~

~~01. Health Education. Health education enables students to obtain, apply, and benefit from health information, services, and skills in ways that enhance the individual and society. Health knowledge and its applications enhance the ability to achieve life goals. Health is a dynamic process that includes emotional, mental, physical, social, environmental, and spiritual dimensions. (3-15-02)~~

~~02. Instruction in Human Sexuality. Instruction in the areas of human sexuality are ultimately governed by Sections 33-1608 through 33-1611, Idaho Code. (3-15-02)~~

~~a. Section 33-1608, Idaho Code—Family life and sex education—legislative policy. (3-15-02)~~

~~b. Section 33-1609, Idaho Code—“Sex education” defined. (3-15-02)~~

~~c. Section 33-1610, Idaho Code—Involvement of parents and community group. (3-15-02)~~

~~d. Section 33-1611, Idaho Code—Excusing children from instruction in sex education. (3-15-02)~~

~~e. Throughout the Health Standards section the term “STDs” (Sexually Transmitted Disease) includes HIV/AIDS (Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome). (3-15-02)~~

~~768. HEALTH STANDARDS—KINDERGARTEN, SECTIONS 769 THROUGH 773.~~

~~769. HEALTHY LIFESTYLES. (Standards Table Deleted) (3-15-02)~~

~~770. RISK-TAKING BEHAVIOR. (Standards Table Deleted) (3-15-02)~~

~~771. COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS. (Standards Table Deleted) (3-15-02)~~

~~772. CONSUMER HEALTH. (Standards Table Deleted) (3-15-02)~~

~~773. MENTAL AND EMOTIONAL WELLNESS. (Standards Table Deleted) (3-15-02)~~

~~774.---776. (RESERVED).~~

~~777. HEALTH STANDARDS—GRADE 1, SECTIONS 778 THROUGH 782.~~

~~778. HEALTHY LIFESTYLES. (Standards Table Deleted) (3-15-02)~~

~~779. RISK-TAKING BEHAVIOR. (Standards Table Deleted) (3-15-02)~~

~~780. COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS. (Standards Table Deleted) (3-15-02)~~

~~781. CONSUMER HEALTH. (Standards Table Deleted) (3-15-02)~~

~~782. MENTAL AND EMOTIONAL WELLNESS. (Standards Table Deleted) (3-15-02)~~

~~783.---785. (RESERVED).~~

~~786. HEALTH STANDARDS—GRADE 2, SECTIONS 787 THROUGH 791.~~

~~787. HEALTHY LIFESTYLES. (Standards Table Deleted) (3-15-02)~~

~~788. RISK-TAKING BEHAVIOR. (Standards Table Deleted) (3-15-02)~~

~~789. COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS. (Standards Table Deleted) (3-15-02)~~

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|                      |                                                                                      |                      |
|----------------------|--------------------------------------------------------------------------------------|----------------------|
| <del>790.</del>      | <del>CONSUMER HEALTH.</del> (Standards Table Deleted)                                | <del>(3-15-02)</del> |
| <del>791.</del>      | <del>MENTAL AND EMOTIONAL WELLNESS.</del> (Standards Table Deleted)                  | <del>(3-15-02)</del> |
| <del>792.—794.</del> | <del>(RESERVED).</del>                                                               |                      |
| <del>795.</del>      | <del>HEALTH STANDARDS—GRADE 3, SECTIONS 796 THROUGH 800.</del>                       |                      |
| <del>796.</del>      | <del>HEALTHY LIFESTYLES.</del> (Standards Table Deleted)                             | <del>(3-15-02)</del> |
| <del>797.</del>      | <del>RISK-TAKING BEHAVIOR.</del> (Standards Table Deleted)                           | <del>(3-15-02)</del> |
| <del>798.</del>      | <del>COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS.</del> (Standards Table Deleted) | <del>(3-15-02)</del> |
| <del>799.</del>      | <del>CONSUMER HEALTH.</del> (Standards Table Deleted)                                | <del>(3-15-02)</del> |
| <del>800.</del>      | <del>MENTAL AND EMOTIONAL WELLNESS.</del> (Standards Table Deleted)                  | <del>(3-15-02)</del> |
| <del>801.—803.</del> | <del>(RESERVED).</del>                                                               |                      |
| <del>804.</del>      | <del>HEALTH STANDARDS—GRADE 4, SECTIONS 805 THROUGH 809.</del>                       |                      |
| <del>805.</del>      | <del>HEALTHY LIFESTYLES.</del> (Standards Table Deleted)                             | <del>(3-15-02)</del> |
| <del>806.</del>      | <del>RISK-TAKING BEHAVIOR.</del> (Standards Table Deleted)                           | <del>(3-15-02)</del> |
| <del>807.</del>      | <del>COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS.</del> (Standards Table Deleted) | <del>(3-15-02)</del> |
| <del>808.</del>      | <del>CONSUMER HEALTH.</del> (Standards Table Deleted)                                | <del>(3-15-02)</del> |
| <del>809.</del>      | <del>MENTAL AND EMOTIONAL WELLNESS.</del> (Standards Table Deleted)                  | <del>(3-15-02)</del> |
| <del>810.—812.</del> | <del>(RESERVED).</del>                                                               |                      |
| <del>813.</del>      | <del>HEALTH STANDARDS—GRADE 5, SECTIONS 814 THROUGH 818.</del>                       |                      |
| <del>814.</del>      | <del>HEALTHY LIFESTYLES.</del> (Standards Table Deleted)                             | <del>(3-15-02)</del> |
| <del>815.</del>      | <del>RISK-TAKING BEHAVIOR.</del> (Standards Table Deleted)                           | <del>(3-15-02)</del> |
| <del>816.</del>      | <del>COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS.</del> (Standards Table Deleted) | <del>(3-15-02)</del> |
| <del>817.</del>      | <del>CONSUMER HEALTH.</del> (Standards Table Deleted)                                | <del>(3-15-02)</del> |
| <del>818.</del>      | <del>MENTAL AND EMOTIONAL WELLNESS.</del> (Standards Table Deleted)                  | <del>(3-15-02)</del> |
| <del>819.—821.</del> | <del>(RESERVED).</del>                                                               |                      |
| <del>822.</del>      | <del>HEALTH STANDARDS—GRADE 6, SECTIONS 823 THROUGH 827.</del>                       |                      |
| <del>823.</del>      | <del>HEALTHY LIFESTYLES.</del> (Standards Table Deleted)                             | <del>(3-15-02)</del> |
| <del>824.</del>      | <del>RISK-TAKING BEHAVIOR.</del> (Standards Table Deleted)                           | <del>(3-15-02)</del> |
| <del>825.</del>      | <del>COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS.</del> (Standards Table Deleted) | <del>(3-15-02)</del> |
| <del>826.</del>      | <del>CONSUMER HEALTH.</del> (Standards Table Deleted)                                | <del>(3-15-02)</del> |
| <del>827.</del>      | <del>MENTAL AND EMOTIONAL WELLNESS.</del> (Standards Table Deleted)                  | <del>(3-15-02)</del> |

~~828.—830. (RESERVED).~~

~~831. HEALTH STANDARDS—MIDDLE GRADES (GRADES 7-8), SECTIONS 832 THROUGH 836.~~

~~832. HEALTHY LIFESTYLES. (Standards Table Deleted) (3-15-02)~~

~~833. RISK-TAKING BEHAVIOR. (Standards Table Deleted) (3-15-02)~~

~~834. COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS. (Standards Table Deleted) (3-15-02)~~

~~835. CONSUMER HEALTH. (Standards Table Deleted) (3-15-02)~~

~~836. MENTAL AND EMOTIONAL WELLNESS. (Standards Table Deleted) (3-15-02)~~

~~837.—839. (RESERVED).~~

~~840. HEALTH STANDARDS—GRADES 9 THROUGH 12, SECTIONS 841 THROUGH 845.~~

~~841. HEALTHY LIFESTYLES. (Standards Table Deleted) (3-15-02)~~

~~842. RISK-TAKING BEHAVIOR. (Standards Table Deleted) (3-15-02)~~

~~843. COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS. (Standards Table Deleted) (3-15-02)~~

~~844. CONSUMER HEALTH. (Standards Table Deleted) (3-15-02)~~

~~845. MENTAL AND EMOTIONAL WELLNESS. (Standards Table Deleted) (3-15-02)~~

~~846.—855. (RESERVED).~~

~~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. **Artifact.** A product of civilization, such as a tool or ornament, that shows human workmanship or modification. (3-15-02)~~

~~05. **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. (5-3-03)~~

~~06. **Creative Expression.** An imaginative response that exhibits both feeling and core knowledge of an art form. (3-15-02)~~

~~07. **Culture/Cultures.** A group that influences ways of perceiving, valuing, behaving, and believing. (5-3-03)~~

~~08. **Disciplines.** Specific fields of study within the arts and humanities such as visual art, music, theatre, dance, literature, philosophy. (5-3-03)~~

~~09. **Diversity.** The condition of being different, inclusive of wide ethnic representation, varied~~

- viewpoints, and range of abilities. (3-15-02)
- ~~10. **Ethical/Ethics.** Relating to moral action, motivation, conduct or character. The discipline dealing with what is good and bad and with moral duty and obligation. (5-3-03)~~
- ~~11. **Expository Writing.** Writing that is neither descriptive nor narrative and whose primary function is to explain and/or define. (3-15-02)~~
- ~~12. **Genre.** A category of artistic, musical, or literary composition characterized by a particular style, form, or content. (3-15-02)~~
- ~~13. **Historical/Culture/Living Culture.** A culture, civilization that has existed in the past/one that is current and/or evolving. (5-3-03)~~
- ~~14. **Integrate.** To incorporate into a larger unit. (3-15-02)~~
- ~~15. **Interdisciplinary Humanities.** A study of two (2) or more related disciplines within the state-adopted list of humanities subjects. (3-15-02)~~
- ~~16. **Interrelationships.** Mutual or reciprocal relationships of arts and humanities disciplines. (3-15-02)~~
- ~~17. **Literary Work.** An example of writing that possesses the qualities or characteristics of letters, human learning, or literature. (3-15-02)~~
- ~~18. **Nationalism.** A sense of national consciousness, placing primary emphasis on the culture and interests of a particular nation. (3-15-02)~~
- ~~19. **Reasoned Dialogue.** The process of presenting a calculated discussion of ideas through logical means. (5-3-03)~~
- ~~20. **Replicate.** To repeat or duplicate a product or process. (3-15-02)~~
- ~~21. **Speculate.** To examine an idea or process and determine a logical outcome. (3-15-02)~~
- ~~22. **Style.** An accustomed manner or method of creating or performing as sanctioned by an accepted standard. (3-15-02)~~
- ~~23. **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:**

*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. (5-3-03)*

~~01. **Interdisciplinary Humanities.** The interdisciplinary humanities standards are based on the assumption that connections exist between the arts and humanities disciplines chronicled through history. Through interdisciplinary study, the student acquires knowledge and skills that promote understanding of these connections as they exist among two (2) or more of the following areas: (5-3-03)~~

- ~~a. **Literature;** (5-3-03)~~
- ~~b. **History;** (5-3-03)~~
- ~~c. **Philosophy;** (5-3-03)~~

- ~~d. Architecture; (5-3-03)~~
- ~~e. Music; (5-3-03)~~
- ~~f. Art; (5-3-03)~~
- ~~g. Drama; (5-3-03)~~
- ~~h. Dance; (5-3-03)~~
- ~~i. Foreign language; and (5-3-03)~~
- ~~j. Comparative world religion. (5-3-03)~~
- ~~02. **Visual and Performing Arts.** The visual and performing arts standards address four (4) arts disciplines—music, visual art, theatre, and dance. Their scope is K-12, and they address both content and achievement. (5-3-03)~~
- ~~03. **Foreign Language.** The foreign language standards address basic language acquisition skills of speaking, listening, reading, writing, and observing. In addition, foreign language courses satisfying the humanities core requirement include instruction in cultural context, critical thinking, and performance. (5-3-03)~~
- ~~858. **INTERDISCIPLINARY HUMANITIES—KINDERGARTEN THROUGH GRADE 3.** Interdisciplinary Humanities standards do not apply at these grade levels. (3-15-02)~~
- ~~859.—865. (RESERVED).~~
- ~~866. **VISUAL AND PERFORMING ARTS—KINDERGARTEN THROUGH GRADE 3, SECTIONS 867 THROUGH 872.**~~
- ~~867. **HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.**~~
- ~~868. **STANDARD ONE.** Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures. (Standards Table Deleted) (5-3-03)~~
- ~~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. (Standards Table Deleted) (5-3-03)~~
- ~~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. (Standards Table Deleted) (5-3-03)~~
- ~~873.—882. (RESERVED).~~
- ~~883. **FOREIGN LANGUAGE—KINDERGARTEN THROUGH GRADE 3, SECTIONS 884 THROUGH 889.**~~
- ~~884. **HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.**~~
- ~~885. **STANDARD ONE.** Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures. (Standards Table Deleted) (3-15-02)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~890.—891. (RESERVED).~~

~~892. INTERDISCIPLINARY HUMANITIES—GRADES 4 AND 5.~~

~~Interdisciplinary Humanities standards do not apply at these grade levels. (3-15-02)~~

~~893.—899. (RESERVED).~~

~~900. VISUAL AND PERFORMING ARTS—GRADES 4 AND 5, SECTIONS 901 THROUGH 906.~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~907.—916. (RESERVED).~~

~~917. FOREIGN LANGUAGE—GRADES 4 AND 5, SECTIONS 918 THROUGH 923.~~

~~918. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.~~

~~919. STANDARD ONE.~~

~~Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures. (Standards Table Deleted) (3-15-02)~~

~~920. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.~~

~~921. STANDARD TWO.~~

~~Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic, or ethical arts issues. (Standards Table Deleted) (5-3-03)~~

~~922. ACQUISITION, APPLICATION, AND EXPRESSION OF SPECIFIC CONTENT KNOWLEDGE AND SKILLS IN FOREIGN LANGUAGE STUDY.~~

~~923. STANDARD THREE.  
Communicate in the humanities disciplines through acquisition, application, and creative expression. (Standards Table Deleted) (3-15-02)~~

~~924.---925. (RESERVED).~~

~~926. INTERDISCIPLINARY HUMANITIES GRADES 6 THROUGH 8.  
Interdisciplinary Humanities standards do not apply at these grade levels. (3-15-02)~~

~~927.---933. (RESERVED).~~

~~934. VISUAL AND PERFORMING ARTS GRADES 6 THROUGH 8, SECTIONS 935 THROUGH 940.~~

~~935. HISTORICAL AND CULTURAL CONTEXTS OF VISUAL AND PERFORMING ARTS DISCIPLINES.~~

~~936. STANDARD ONE.  
Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures. (Standards Table Deleted) (3-15-02)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~941.---950. (RESERVED).~~

~~951. FOREIGN LANGUAGE GRADES 6 THROUGH 8, SECTIONS 952 THROUGH 955.~~

~~952. HISTORICAL AND CULTURAL CONTEXTS OF FOREIGN LANGUAGE STUDY.~~

~~953. STANDARD ONE.  
Demonstrate an understanding of the cultural and historical contexts and interrelationships of the arts and humanities disciplines among various cultures. (Standards Table Deleted) (3-15-02)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~958.---959. (RESERVED).~~



- ~~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. (Standards Table Deleted) (5-3-03)*
- ~~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. (Standards Table Deleted) (5-3-03)*
- ~~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. (Standards Table Deleted) (5-3-03)*
- ~~967.—968. (RESERVED).~~
- ~~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. (Standards Table Deleted) (5-3-03)*
- ~~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. (Standards Table Deleted) (5-3-03)*
- ~~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. (Standards Table Deleted) (5-3-03)*
- ~~976.—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. (Standards Table Deleted) (5-3-03)*
- ~~990. CRITICAL THINKING IN FOREIGN LANGUAGE STUDY.~~
- ~~991. STANDARD TWO.~~  
*Conduct analyses, engage in reasoned dialogue, and demonstrate informed judgment about philosophical, aesthetic,*

~~or ethical arts issues. (Standards Table Deleted) (5-3-03)~~

~~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. (Standards Table Deleted) (5-3-03)~~

~~994.—998. (RESERVED).~~

~~999. GIFTED AND TALENTED PROGRAMS.~~

~~01. Definitions. The following definitions apply only to Section 999 of these rules. (3-15-02)~~

~~a. Department. State Department of Education. (3-30-01)~~

~~b. District. Local school district. (3-30-01)~~

~~c. Gifted/talented children. Those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities Section 33-2001, Idaho Code. (3-30-01)~~

~~d. Governing gifted and talented educational requirements. Sections 33-201, 33-2001, 33-2003, Idaho Code. (3-30-01)~~

~~02. Legal Compliance. The State Department of Education and districts shall comply with all governing gifted and talented education requirements. (3-30-01)~~

~~03. District Plan. Each school district shall develop and write a plan for its gifted and talented program. The plan shall be submitted to the Department no later than October 15, 2001. The plan shall be updated and submitted every three (3) years thereafter and shall include: (3-30-01)~~

~~a. Philosophy statement. (3-30-01)~~

~~b. Definition of giftedness. (3-30-01)~~

~~c. Program goals. (3-30-01)~~

~~d. Program options. (3-30-01)~~

~~e. Identification procedures. (3-30-01)~~

~~f. Program evaluation. (3-30-01)~~

~~04. Screening. The district's process for identifying gifted and talented students shall include the following steps: (3-30-01)~~

~~a. The district shall screen all potentially gifted and talented students to ensure they have an opportunity to be considered; and (3-30-01)~~

~~b. The district shall assess those students meeting the screening criteria and gather additional information concerning their specific aptitudes and educational needs; and (3-30-01)~~

~~c. The district shall match student needs with appropriate program options. (3-30-01)~~

~~05. Assessment. Placement decisions shall not be determined by a single criterion (for instance, test scores, other measurement, teacher recommendation, or nomination). The district's identification process shall use multiple indicators of giftedness with information obtained through the following methods and sources: (3-30-01)~~

~~a. Procedures for obtaining information about students shall include formal assessment methods, such as group and individual tests of achievement, general ability, specific aptitudes and creativity. (3-30-01)~~

~~b. Procedures for obtaining information about students shall also include informal assessment methods, such as checklists, rating scales, pupil product evaluations, observations, nominations, biographical data, questionnaires, interviews and grades. (3-30-01)~~

~~c. Information about students shall be obtained from multiple sources, such as teachers, counselors, peers, parents, community members, subject area experts, and the students themselves. (3-30-01)~~

~~06. **Administration.** The district shall designate a certificated staff person to be responsible for development, supervision, and implementation of the gifted and talented program. (3-30-01)~~

**IDAPA 08 - STATE BOARD OF EDUCATION**

**08.04.01 - RULES GOVERNING THE IDAHO DIGITAL LEARNING ACADEMY**

**DOCKET NO. 08-0401-0601 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 33-5504, 33-5505, and 33-5507, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 55, 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 June 21, 2006.

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:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to be in compliance with Idaho Code Title 33 Chapter 55, rules governing the Idaho Digital Learning Academy need to be established. The following topics in the legislation are outlined for oversight by the Idaho State Board of Education:

1. Accreditation Idaho Code 33-5504 (5);
2. Accountability Idaho Code 33-5507 (3 & 4);
3. Fees out-of-state and adult learners Idaho Code 33-5505 (3).

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rules are not controversial and were approved by the Idaho Digital Learning Academy's Board of Directors.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proposed rule, contact Donna Vakili, 208-342-0207.

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 June 28, 2006.

DATED this 4th day of May, 2006.

Donna Vakili/Director  
Idaho Digital Learning Academy  
777 So. Latah St.  
Boise, ID 83705  
208-342-0207 PH  
208-342-1031 FAX

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0401-0601**

**IDAPA 08**  
**TITLE 04**  
**CHAPTER 01**

**08.04.01 - RULES GOVERNING THE IDAHO DIGITAL LEARNING ACADEMY**

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-5504, 33-5505, and 33-5507, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 55, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.04.01, “Rules of the Idaho Digital Learning Academy.” ( )

**02. Scope.** These rules provide the requirements for the governance and administration of the Idaho Digital Learning Academy’s Board of Directors. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these Rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by the Idaho Administrative Procedure Act, Title 67, Chapter 52 and IDAPA 04.01.11, “Idaho Rules of Administrative Procedure of the Attorney General”. ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by Reference to these rules. ( )

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

The Idaho Digital Learning Academy is located in Boise, Idaho. ( )

**01. Office Hours.** The Idaho Digital Learning Academy’s offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. ( )

**02. Street Address.** The offices of the Idaho Digital Learning Academy are located at 777 South Latah Street, Boise, Idaho. ( )

**03. Mailing Address.** The mailing address of the Idaho Digital Learning Academy is 777 South Latah Street, Boise, Idaho 83705. ( )

**04. Telephone Number.** The telephone number of the Idaho Digital Learning Academy is 208-342-0207. ( )

**05. Facsimile.** The facsimile number of the Idaho Digital Learning Academy is 208-342-1031. ( )

**06. Website and E-Mail Address.** The electronic address of the Idaho Digital Learning Academy is <http://idla.k12.id.us> and e-mail address is [idla@idla.k12.id.us](mailto:idla@idla.k12.id.us). ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The Idaho Digital Learning Academy’s records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

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

**010. DEFINITIONS.**

**01. Idaho Digital Learning Academy (IDLA).** Idaho digital learning academy is defined in Section 33-5505(3) and means an online educational program organized as a fully accredited secondary school with statewide capabilities for delivering accredited courses to Idaho resident students in grades seven (7) through twelve (12) at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the superintendent, and such funds shall be included in the budget and audit of the academy's fiscal records. ( )

**02. Acceptable Use Policy (AUP).** An Acceptable Use Policy is a policy that governs behavior in a computer or online environment. An Acceptable Use Policy outlines appropriate and inappropriate behavior, including specific examples of inappropriate behavior as well as the consequences of violating the policy. Acceptable use guidelines include, but are not limited to, guidelines pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (either their own or someone else's), disrupting the use of a school network, or importation of sexually explicit, drug-related, and other offensive materials into the course environment. ( )

**03. Designee.** In the absence of the IDLA Director, a representative from the IDLA Board of Directors or an administrative staff member may be appointed by the IDLA Board of Directors to serve as designee. ( )

**011. -- 100. (RESERVED).**

**101. ACCREDITATION.**

IDLA must submit proof of accreditation that meets accreditation standards of the state of Idaho and the northwest accreditation association to the State Board of Education annually. ( )

**102. ACCOUNTABILITY.**

**01. Exams.** Each IDLA semester course will require the student to take a comprehensive final exam at an approved site under proctored conditions. ( )

**02. Student Work and Ethical Conduct.** ( )

**a.** IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out in each class syllabus that each student receives prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. ( )

**b.** Acceptable use and behavior in a distance-learning environment is determined by local school district's policies and is covered by the district's AUP signed by the student and the student's parent. The student and parent will agree to abide by an IDLA AUP specifically governing behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. ( )

**c.** In a case of violation of the acceptable use policy or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. ( )

**d.** The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a telephone conference to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the telephone conference. ( )

**03. Teacher Interaction.** IDLA faculty are required to contact students within the first month of class. Contact includes phone, regular mail, e-mail, or other technological means. IDLA faculty are required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district. ( )

**103. FEES.**

The IDLA fee schedule will be provided to the Idaho State Board of Education in the IDLA Annual Report to the State Board of Education. ( )

**104. -- 999. (RESERVED).**

## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### **16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED BLIND AND DISABLED (AABD)**

**DOCKET NO. 16-0305-0603**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking is in response to legislation passed by the 2006 Legislature.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Date: Wednesday, June 14, 2006**  
**Time: 2:30-5:00 p.m.**  
**Place: Medicaid Region IV Office**  
**1720 Westgate Dr., Suite D, Rm 192**  
**Boise, ID 83704**

**METHOD OF PARTICIPATION:** Workers with disabilities and others wishing to participate in the negotiated rulemaking may:

1. Attend the negotiated rulemaking and participate in the negotiation process;
2. Provide oral or written recommendations, or both at the negotiated rulemaking;
3. Submit written recommendations and comments to the address below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Many people on Medicaid want to work and recognize that employment is the way to end their dependence on Medicaid. However, individuals with disabilities, because of the cost of their support needs and the fact that most employers provide no insurance coverage for those supports, must curtail the number of work hours to keep Medicaid benefits. The Medicaid for Workers with Disabilities program will help these individuals gradually leave or lessen their reliance on Medicaid while increasing their work hours and income. The Department is initiating negotiated rulemaking to implement the provisions of HB 664, Section 56-209n, Idaho Code, adopted by the 2006 Legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Peggy Cook at (208) 334-5969.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments should be directed to the address below and delivered on or before June 28, 2006.

DATED this 1st day of May, 2006.

Sherri Kovach  
Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail



**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE  
AGED BLIND AND DISABLED (AABD)**

**DOCKET NO. 16-0305-0604**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking is in response to legislation passed by the 2006 Legislature.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Date: Wednesday, June 14, 2006**  
**Time: 1:00-2:00 p.m.**  
**Place: Medicaid Region IV Office**  
**1720 Westgate Dr., Suite D, Rm 192**  
**Boise, ID 83704**

**METHOD OF PARTICIPATION:** Medicaid participants on the Aged and Disabled Waiver Program and others wishing to participate in the negotiated rulemaking may:

1. Attend the negotiated rulemaking and participate in the negotiation process;
2. Provide oral or written recommendations, or both at the negotiated rulemaking;
3. Submit written recommendations and comments to the address below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Medicaid participants on the Aged and Disabled Waiver program, who reside in a residential care facility or certified family home, are budgeted a basic allowance for their out-of-pocket costs. The Department is initiating negotiated rulemaking to establish a method for the distribution of the annual cost of living adjustment increase to the basic allowance.

**ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Peggy Cook at (208) 334-5969.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments should be directed to the undersigned at the address below and delivered on or before June 28, 2006.

DATED this 1st day of May, 2006.

Sherri Kovach  
Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0503**

**NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 16-0309-0503. This agency action for this final rulemaking is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for rejecting the final rule.

Pursuant to Senate Concurrent Resolution No. 126, Docket No. 16-0309-0503 is not consistent with legislative intent and is rejected accordingly.

The original text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 254 through 256. The pending rule was published in the January 4, 2006 Idaho Administrative Bulletin, Vol. 06-1, page 88 and 89. Docket No. 16-0309-0503 has been rejected and not approved, declared null, void, and of no force and effect. The text for this rule will remain as codified prior to the rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Sheila Pugatch at (208) 364-1817.

DATED this 24th of April, 2006.

Sherri Kovach, Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
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**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0602**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2006.

**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 Sections 56-202(b) and 56-203(g), Idaho Code, Title XVIII (Medicare), Part D of the Social Security Act, specifically 42 CFR Section 423.906; also 42 CFR Section 431.53 and 42 CFR Section 441.62.

**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 Wednesday, June 21, 2006.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

There have been changes in federal requirements for the Medicaid Program corresponding to the implementation of Medicare's "Part D" prescription drug coverage, effective January 1, 2006. Medicaid participants who receive full benefits and who are simultaneously eligible for Medicare ("dual-eligibles") must now receive their medications under Medicare -- Part D. Medicaid is no longer allowed by the Centers for Medicaid and Medicare Services (CMS) to cover medications covered under Medicare -- Part D.

(1) Some medications not covered by the Medicare -- Part D benefit are currently covered by Idaho Medicaid. To maintain continuity of coverage for participants with dual eligibility whose current medications are not covered under Medicare -- Part D, Idaho Medicaid is proposing to provide "wrap-around" drug coverage. This coverage will prevent this population of participants from losing services; and it will give Medicaid the authority to continue services that participants with dual eligibility and all other Idaho Medicaid participants currently receive. This rule change does not confer a new benefit.

(2) Currently, Medicaid rules cover transportation of participants to Medicaid-covered services only. As of January 1, 2006, participants with dual eligibility will continue to use Medicaid-covered transportation to pick up their necessary medications, regardless of whether those medications are covered under Medicare -- Part D or by Medicaid.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason: compliance with deadlines in amendments to governing law or federal programs.

**FEE SUMMARY:** There is no fee or charge being imposed or increased in this docket.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

The fiscal impact to continue coverage of the Medicare-excluded drugs is estimated at \$1.5 million (\$450,000 General Fund) per year. This cost is a continuation of current expenditures and is included in the current appropriation base for the Medicaid program.

The cost of covering transportation of participants to pick up their necessary medications is currently covered by the program and is included in the current appropriation base for the Medicaid program. The cost of this transportation is not specifically identified by any Department system separate from other medical transportation costs.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because as this rulemaking is being done to align the rule with changes made to Title XVIII (Medicare), Part D, of the Social Security Act, effective January 1, 2006.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Leslie Clement, Division of Medicaid, at (208) 364-1804.

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 Wednesday, June 28, 2006.

DATED this 3rd day of May, 2006.

Sherri Kovach  
Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0602**

**151. NON-EMERGENCY TRANSPORTATION.**

**01. General Coverage for Non-Emergency Transportation.** Non-emergency transportation is all transportation that is not of an emergency nature, including non-medical transportation under waiver programs. An emergency is a condition described in Subsection 150.01.e. of these rules. Medicaid will reimburse non-emergency transportation by commercial or non-commercial transportation providers under the following circumstances and limitations: ~~(3-15-02)~~(1-1-06)T

- a.** The travel is essential to get to or from a medically necessary service or a waiver service covered by Medicaid; and (3-15-02)
- b.** The person for whom services are billed is actually transported for all the distance billed; and (3-15-02)
- c.** The mode of transportation is the lowest in cost to the Medicaid program that is appropriate to the medical needs of the ~~client~~ participant; and ~~(3-15-02)~~(1-1-06)T
- d.** The transportation is to the nearest medical or waiver service provider appropriate to perform the needed services, and transportation is by the most direct route practicable. Reimbursement will be limited to the distance of the most direct route practicable; and (3-15-02)
- e.** Other modes of transportation, including personal vehicle, assistance by family, friends and charitable organizations, are unavailable or impractical under the circumstances; and (3-15-02)
- f.** The travel is authorized by the Department prior to the transportation; and (3-15-02)

**g.** Authorization for the travel is requested from the Department at least twenty-four (24) hours in advance of the travel to the medical appointment or waiver service excluding Saturdays, Sundays, and state holidays; and (3-15-02)

**h.** The transporter has completed and signed a current Medicaid provider agreement; and (3-15-02)

**i.** Travel is not covered by the service to which the ~~client~~ participant is being transported; and ~~(3-15-02)~~(1-1-06)T

**j.** Transportation is paid on a reimbursement basis only; payment will not be issued prior to delivery of the service. (3-15-02)

**02. Exceptions.** Despite the preceding rules, Medicaid will cover transportation services under the following circumstances: (3-15-02)

**a.** Transportation services may be retroactively approved when a ~~client~~ participant is found retroactively eligible, the transportation service falls within the period of retroactive eligibility, and the transporter was a Medicaid transportation provider at the time of the transport for which reimbursement is sought. ~~(3-15-02)~~(1-1-06)T

**b.** If the trip distance is less than twenty-one (21) miles, prior approval for non-commercial non waiver transport is not necessary. For Subsection 151.02 of this rule, a trip is the distance a transporter carries a ~~client~~ participant in the course of a day. Therefore, the total mileage of a round-trip transport that takes place within one (1) day will be considered in determining whether this exception applies. Even though prior approval is not required, the transporter shall maintain all records as described in Subsection 152.02.c. of these rules. This exception is not available to commercial providers. ~~(5-3-03)~~(1-1-06)T

**c.** Reimbursement for non-commercial transportation will be limited as required by Section 56-227E, Idaho Code, and as expressed in Subsection 152.02.b. of this rule. ~~(3-15-02)~~(1-1-06)T

**d.** Non-Emergency transportation for Medicaid participants who are also eligible for Medicare (“dual eligibles”) when they require transportation to pick up their medications covered under Medicare, Part D. (1-1-06)T

**03. Services Incidental to Travel.** Medicaid will reimburse for the reasonable cost actually incurred of meals, lodging, a personal assistant and other necessary services incidental to travel, only under the following conditions: (3-15-02)

**a.** Approval of the service is requested from the Department at least twenty-four (24) hours in advance of the travel. Excluding Saturdays, Sundays, and state holidays. (3-15-02)

**b.** The reasonable cost of meals actually incurred in transit will be approved when necessary, when there is no other practical means of obtaining food, and only when an overnight stay is required to receive the service. Reimbursement shall not exceed seven dollars (\$7) per meal or a maximum of twenty-one dollars (\$21) per day per person. (5-3-03)

**c.** The reasonable cost actually incurred for lodging will be approved when the round trip and the needed medical service, in practicality, can not be completed in the same day. The travel must entail a one (1) way distance of at least two hundred (200) miles, or a normal one (1) way travel time of at least four (4) hours. The incidental travel expenses of a family member or other companion will be covered when medical necessity or the vulnerability of the individual requires accompaniment for safety, and no less-costly alternative is available. Lodging reimbursement will not be paid when the stay is in the home of a relative or acquaintance. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

805. **PRESCRIPTION DRUGS COVERAGE.**

**01. General Drug Coverage.** The Department will pay for those prescription drugs not excluded ~~by~~ under Section 811 of these rules which are legally obtainable by the order of a licensed prescriber whose licensing allows for the prescribing of legend drugs, as defined ~~by~~ under Section 54-1705(27), Idaho Code, and which are deemed medically necessary as defined in Subsection 003.40 of ~~this chapter~~ these rules. ~~(3-20-04)~~(1-1-06)T

**02. Drug Coverage for Dual Eligibles.** For Medicaid participants who are also eligible for Medicare ("dual eligibles"), the Department will pay for Medicaid-covered drugs that are not covered by Medicare, Part D. Dual eligibles will be subject to the same limits and processes used for any other Medicaid participants. (1-1-06)T

(BREAK IN CONTINUITY OF SECTIONS)

811. **EXCLUDED DRUG PRODUCTS.**

The following categories and specific products are excluded from coverage by Medicaid: (4-6-05)

**01. Non-Legend Medications.** Federal legend medications that change to non-legend status, as well as their therapeutic equivalents regardless of prescription, status unless: (4-6-05)

a. They are included in Subsection 812.02 of these rules; or ~~(4-6-05)~~(1-1-06)T

b. The Director determines that non-legend drug products are covered based upon appropriate criteria including the following: safety, effectiveness, clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, cost, and the recommendation of the P&T committee. Therapeutically interchangeable is defined in Subsection 810.01.e. of these rules. ~~(4-6-05)~~(1-1-06)T

**02. Legend Drugs.** Any legend drugs for which federal financial participation is not available. (4-5-00)

**03. Diet Supplements.** Diet supplements and weight loss products, except lipase inhibitors when prior authorized as outlined in Subsection 812.03 of these rules. (3-20-04)

**04. Amphetamines and Related Products.** Amphetamines and related products for cosmetic purposes or weight loss. Amphetamines and related products which are deemed to be medically necessary may be covered if prior authorized as outlined in Subsection 812.03 of these rules. (3-20-04)

**05. Ovulation/Fertility Drugs.** Ovulation stimulants, fertility drugs, and similar products. (3-20-04)

**06. Impotency Aids.** Impotency aids, either as medication or prosthesis. (4-5-00)

**07. Nicotine Products.** Nicotine chewing gum, sprays, inhalers, transdermal patches and related products. (4-5-00)

**08. Medications Utilized for Cosmetic Purposes.** Medications utilized for cosmetic purposes or hair growth. Prior authorization may be granted for these medications if the Department finds other medically necessary indications. (4-5-00)

**09. Vitamins.** Vitamins, unless included in Subsection 812.01 of these rules. ~~(4-5-00)~~(1-1-06)T

**10. Dual Eligibles.** Drug classes covered under Medicare, Part D, for Medicaid participants who are also eligible for Medicare. (1-1-06)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.22 - RESIDENTIAL CARE OR ASSISTED LIVING FACILITIES IN IDAHO**

**DOCKET NO. 16-0322-0502**

**NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 16-0322-0502. This agency action for this final rulemaking is authorized pursuant to Title 39, Chapter 33, Idaho Code.

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

After review by the 2006 Legislature, Senate Concurrent Resolution No. 128, Docket No. 16-0322-0502, governing Residential Care or Assisted Living Facilities in Idaho amended the rules by deleting subsections that did not meet legislative intent. In accordance with the concurrent resolution the following deletions are being made to the final rule:

- Section 009 - Criminal History and Background Checks
- Subsection 011.15 - Definition of Licensee
- Subsection 011.28 - Definition of Non-repudiation
- Section 055 - Special Waiver
- Subsection 220.03 - Notification of Populations Served
- Subsection 250.13 - Residents Required to Go Outside
- Subsection 250.14 - Covered Cement Walks
- Subsection 260.05.b - Relating to changes of clean bed linen and towels on hand for each licensed bed
- Subsection 451.01.b - Relating to menus being different the same days each week and adjusted seasonally.
- Subsection 705.05 - Personal Property Inventory
- Subsection 730.01.i - Documentation by the licensed professional nurse regarding assessments

The original text of the proposed rule was published in the October 5, 2005, Idaho Administrative Bulletin, Vol. 05-10, pages 293 through 355. The pending rule was published in the January 4, 2006 Idaho Administrative Bulletin, Vol. 06-1, page 120.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Debby Ransom, 334-6626.

DATED this 1st day of May, 2006.

Sherri Kovach  
Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.05.06 - RULES GOVERNING MANDATORY CRIMINAL HISTORY CHECKS

DOCKET NO. 16-0506-0601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking is in response to legislation passed by the 2006 Legislature.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Thursday, July 6, 2006**

**2:00-4:30 p.m.**

**Best Western Coeur d'Alene Inn**

**414 W Appleway**

**Cataldo Rm**

**Coeur d'Alene, ID 83814**

**Phone: (208) 765-3200**

**Tuesday, July 11, 2006**

**2:00-4:30 p.m.**

**Ameritel Inn**

**1140 Bench Rd.**

**Pebble Creek Rm**

**Pocatello, ID 83201**

**Phone: (208) 234-7500**

**Thursday, July 13, 2006**

**2:00-4:30 p.m.**

**Dept. of Health & Welfare**

**1720 Westgate Dr.**

**Suite D, Rm 119**

**Boise, ID 83704**

**Phone: (208) 334-5997**

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking may:

1. Attend the negotiated rulemaking and participate in the negotiation process;
2. Provide oral or written recommendations, or both at the negotiated rulemaking;
3. Submit written recommendations and comments to the address below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

To protect vulnerable adults and children in Idaho, the Department conducts criminal history and background checks on those who provide direct care or services to them. The 2006 Legislature passed SB 1327, Section 1004A, Idaho Code, further defining the authority to conduct criminal history and background checks on individuals who provide care or services to vulnerable adults and children. To implement some of the revisions provided by this legislation, and due to changes in the program as well as new technology being used, the Department is initiating negotiated rulemaking to revise IDAPA 16.05.06 "Mandatory Criminal History Checks."

**ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Mond Warren at (208) 334-0609. Anyone may submit written comments regarding this negotiated rulemaking.

All written comments should be directed to Mond Warren, P.O. Box 83720, Boise, ID 83720-0036, or e-mailed to warrenm@idhw.state.id.us and delivered on or before July 14, 2006.

DATED this 1st day of May, 2006.

Sherri Kovach  
Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail



**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.06.06 - FAMILY SUPPORT AND IN-HOME ASSISTANCE**

**DOCKET NO. 16-0606-0601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This rulemaking is under the authority of Section 39-5103, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Date:** Wednesday, June 27, 2006  
**Time:** 1:00-5:00 p.m.  
**Place:** Health & Welfare Central Office  
Pete T. Cenarrusa Bldg.  
450 W State, 7th Floor Conference Rm.  
Boise, ID 83702

**METHOD OF PARTICIPATION:** Individuals with developmental disabilities and others wishing to participate in the negotiated rulemaking may:

1. Attend the negotiated rulemaking and participate in the negotiation process;
2. Provide oral or written recommendations, or both at the negotiated rulemaking;
3. Submit written recommendations and comments to the address below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

This program assists individuals with developmental disabilities to continue to live with their families. The Family Support In-Home Assistance program provides support that helps families and individuals with developmental disabilities to prevent institutionalization, enhance community supports, use existing resources efficiently, and obtain enhanced care. The Department is initiating negotiated rulemaking for a new chapter of rules, under the provisions of Title 39, Chapter 51, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Cameron Gilliland at (208) 334-5536.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments should be directed to the undersigned at the address below and delivered on or before June 28, 2006.

DATED this 2nd day of May, 2006.

Sherri Kovach  
Program Supervisor  
DHW -- Administrative Procedures Section  
450 West State Street -- 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone; (208) 332-7347 fax  
kovachs@idhw.state.id.us e-mail

## **IDAPA 18 - DEPARTMENT OF INSURANCE**

### **18.01.06 - COVERAGE OF NEWBORNS**

#### **DOCKET NO. 18-0106-0601**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking and is authorized pursuant to Section 41-211, Idaho Code.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the informal negotiated rulemaking must do the following:

1. Notify the Department of Insurance of their interest in participating in the negotiation process by providing a written notice of intent to participate to the Department of Insurance. The notice must be given in writing addressed to the attention of Shad Priest at the address set forth below or by e-mail to [shad.priest@doi.idaho.gov](mailto:shad.priest@doi.idaho.gov). The notice of intent to participate must include full contact information (name, telephone number, mailing address, and e-mail address, if available) for the interested party.

2. Persons who provide a notice of intent to participate will be informed of the date for any negotiated rulemaking meetings and may participate in the meetings by providing oral or written comments and recommendations. Meeting dates will also be published on the Department's website at: [www.doi.idaho.gov](http://www.doi.idaho.gov).

3. Interested persons may also participate in the negotiated rulemaking process by providing written recommendations and comments to the contact identified below.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The purpose of the negotiated rulemaking will be to draft rules clarifying obligations of health insurers to provide coverage for newborn and adopted children, including coverage for congenital anomalies, under Sections 41-2140, 41-2210, 41-3437, 41-3923, 41-4023 and 41-4123, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule when it becomes available, contact Shad Priest at 208-334-4214 or by e-mail to [shad.priest@doi.idaho.gov](mailto:shad.priest@doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 29, 2006.

DATED this 5th day of May, 2006.

Shad Priest  
Deputy Director  
Idaho Department of Insurance  
700 W State St. 3<sup>rd</sup> Floor  
Boise, ID 83720/  
Phone: (208) 334-4214

## **IDAPA 19 - BOARD OF DENTISTRY**

### **19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY**

#### **DOCKET NO. 19-0101-0503**

#### **NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution to reject this rulemaking under Docket No. 19.0101.0503. This agency action for this final rulemaking is authorized pursuant to Section 54-912, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 125, Docket No. 19-0101-0503 was rejected because the related legislation (SB 1343) had not been enacted as of the date of legislative review. Therefore, the proposed administrative rule changes contained in Docket No. 19-0101-0503 are void and of no further force and effect. SB 1343 was subsequently enacted into law and, accordingly, temporary/proposed administrative rules are being promulgated by means of Docket No. 19-0101-0601 to implement the biennial licensing system prescribed by SB 1343.

The original text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 185 through 189. The pending rule was published in the December 7, 2005, Idaho Administrative Bulletin, Volume 05-12, page 70.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Michael J. Sheeley, 334-2369.

DATED this 5th day of May, 2006.

Michael J. Sheeley, Executive Director  
Idaho State Board of Dentistry  
P. O. Box 83720  
Boise, Idaho 83720-0021  
(208) 334-2369 (telephone)  
(208) 334-3247 (facsimile)

## IDAPA 20 - DEPARTMENT OF LANDS

### 20.03.02 - RULES GOVERNING EXPLORATION AND SURFACE MINING IN IDAHO

#### DOCKET NO. 20-0302-0502

#### NOTICE OF RULEMAKING - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 20-0302-0502. This agency action for this final rulemaking is authorized pursuant to Section 58-104, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 128, Docket No. 20-0302-0502 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

IDAPA 20.03.02, "Rules Governing Exploration and Surface Mining in Idaho," Subsection 160.01, pertaining to Right of Inspection only, was rejected and not approved, and thereby pursuant to Section 67-5224 and Section 67-5291, Idaho Code, is declared null, void, and of no force and effect. The remainder of the rulemaking was approved and is now final and effective.

The original text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, page(s) 377 through 420. The pending rule was published in the January 4, 2006 Idaho Administrative Bulletin, Vol. 06-01 page(s) 244 through 251.

*The following text of Subsection 160.01 is the Final Rule as amended by SCR 128. (Subsections 160.02 through 160.05 are not reprinted here.)*

#### **160. ENFORCEMENT AND FAILURE TO COMPLY.**

**01. Right of Inspection.** Authorized officers of the Department of Lands, upon presentation of appropriate credentials, shall have the right to enter upon lands affected or proposed to be affected by exploration or surface mining operations to determine compliance with these rules. Inspections shall be conducted at reasonable times in the presence of the operator or his authorized employee or representative. The operator shall make such a person available for the purpose of inspection. This rule shall not prevent the department from making an inspection of the site if the operator fails to make a representative available on request. (11-1-89)

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Denise Mills, Assistant Director, or Perry Whittaker, Acting Assistant Director, Idaho Department of Lands at (208) 334-0200.

DATED this 12th day of April, 2006.

George Bacon  
Operations Chief, South  
Idaho Department of Lands  
954 West Jefferson  
Boise, Idaho 83720  
Phone: (208) 334-0200 / Facsimile: (208) 334-2339

## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.06 - RULES FOR THE ENFORCEMENT OF THE VETERAN'S PREFERENCE IN PUBLIC EMPLOYMENT**

#### **DOCKET NO. 21-0106-0601 (NEW CHAPTER)**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2006.

**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 Section 65-506, 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 June 21, 2006.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules provide a mechanism for enforcing a veteran's preference in public employment.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(2)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These rules are being promulgated in compliance with amendments made to the governing law by the 2006 Idaho Legislature.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the necessity to comply with governing law.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Joe Bleymaier, Administrator, (208) 334-3513.

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 June 28, 2005.

DATED this 3rd day of May, 2006.

Joe Bleymaier, Administrator  
Division of Veterans Services  
320 Collins Rd.  
Boise ID 83702  
Phone: (208) 334-3513  
Facsimile: (208) 334-2627

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 21-0106-0601**

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**IDAPA 21**  
**TITLE 01**  
**CHAPTER 06**

**21.01.06 - RULES FOR THE ENFORCEMENT OF THE VETERAN'S  
PREFERENCE IN PUBLIC EMPLOYMENT**

**000. LEGAL AUTHORITY.**

Section 65-506, Idaho Code, authorizes and directs the Idaho Division of Veterans Services to issue rules for the enforcement of Title 65, Chapter 5, Idaho Code. (7-1-06)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 21.01.06, "Rules for the Enforcement of the Veteran's Preference in Public Employment". (7-1-06)T

**02. Scope.** These rules contain procedures public employers may implement for an internal process which must be exhausted prior to a petitioner gaining access to the courts to contest a public employer's application of the veteran's preference in public employment. (7-1-06)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Veterans Services office. (7-1-06)T

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for appeal of the procedures public employers may implement under Title 65, Chapter 5, Idaho Code. (7-1-06)T

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into these rules. (7-1-06)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.**

**01. Address.** The mailing address and the street address of the office of the Division of Veterans Services is 320 Collins Road, Boise, Idaho 83702. (7-1-06)T

**02. Office Hours.** The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (7-1-06)T

**03. Telephone.** The telephone number of the Division is (208) 334-3513. (7-1-06)T

**04. FAX.** The Division's facsimile number is (208) 334-2627. (7-1-06)T

**05. Internet Website.** The Division's internet website is [www.veterans.idaho.gov](http://www.veterans.idaho.gov). (7-1-06)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The records associated with this chapter are subject to the provisions of the Idaho Public Records Act, Title 9,

Chapter 1, Idaho Code. (7-1-06)T

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

**010. DEFINITIONS.**

**01. Definitions Generally.** Except where supplemented by the definitions in Section 010, the definitions in Section 65-502, Idaho Code, shall apply to terms used in these rules. (7-1-06)T

**02. Petitioner.** Petitioner shall mean a person who alleges the denial of a preference. (7-1-06)T

**03. Preference.** Preference shall mean a right or benefit granted to the petitioner under Title 65, Chapter 5, Idaho Code. (7-1-06)T

**04. Presiding Officer.** The individual or individuals, as more particularly described in Subsection 103.01 of these rules, appointed by the public employer executive to preside at a hearing. (7-1-06)T

**05. Public Employer Executive.** Public employer executive shall mean the individual or body of individuals in whom the ultimate legal authority of the public employer is vested by any provision of law. (7-1-06)T

**011. -- 099. (RESERVED).**

**100. HEARING REQUESTS.**

**01. Written Requests.** A petitioner must make a hearing request in writing to the public employer executive. A written hearing request must be hand delivered to the public employer executive or deposited, postage paid and properly addressed, in the United States Mail. Hearing requests must contain the following information: (7-1-06)T

**a.** The petitioner's full name and complete mailing address. (7-1-06)T

**b.** A request for either a telephonic or a face-to-face hearing. The petitioner shall provide the telephone number where a telephonic hearing may be conducted. (7-1-06)T

**c.** The position for which the petitioner applied for appointment. (7-1-06)T

**d.** A brief statement of the petitioner's basis of eligibility for a preference, as set forth in Section 65-503, Idaho Code. (7-1-06)T

**e.** A brief statement of the issues petitioner proposes to raise at the hearing. (7-1-06)T

**f.** Any dates or times that the petitioner or the petitioner's attorney cannot be available for a hearing. (7-1-06)T

**02. Timely Requests.** The public employer executive must receive hearing requests by 5 p.m. at the offices of the public employer executive no later than thirty-five (35) days following the date of the alleged denial of a preference. The date of the alleged denial of a preference for the purpose of calculation of time under Subsection 100.02 shall be the date of issuance of a notice to the petitioner that the petitioner was not awarded a position or, if no notice is issued, the date petitioner becomes aware that he was not awarded a position. (7-1-06)T

**03. Request Withdrawal.** A petitioner may withdraw a hearing request at any time. (7-1-06)T

**04. Disposition of Case Without a Hearing.** Any hearing request may be resolved without a hearing on the merits of the request by stipulation, settlement, motion to dismiss, summary judgment, default, or for lack of jurisdiction. The public employer executive must dismiss an appeal that is not timely filed for lack of jurisdiction. (7-1-06)T

**101. HEARING NOTICES.**

**01. Notification of Hearing.** Upon timely receipt of a hearing request, the public employer executive shall notify petitioners of the time and date of the hearing and the presiding officer at the hearing. Hearing notices must be issued not less than seven (7) days prior to the hearing. The hearing notice shall specify whether the hearing will be conducted by telephone or face-to-face. If the hearing is to be face-to-face, the hearing notice shall specify the location of the hearing. The hearing notice shall stipulate an address for the filing of documents with the presiding officer. (7-1-06)T

**02. Location of Hearings.** Hearings may be conducted by telephone or face-to-face in the discretion of the public employer executive, except that where the petitioner or another participant in the hearing would be denied the opportunity to participate in the hearing if held by telephone, the hearing shall be face-to-face. Face-to-face hearings shall be held in the city in which the position the petitioner applied for appointment is located, unless otherwise agreed upon by the parties. (7-1-06)T

**03. Hearing Date.** The public employer executive shall conduct hearings within thirty-five (35) days of receipt of the hearing request. The public employer executive may extend the hearing date for an additional thirty-five (35) days for good cause shown by the public employer executive or the petitioner. (7-1-06)T

**102. PREHEARING PROCEDURE**

**01. Discovery.** Prehearing discovery is limited to obtaining the names of witnesses and copies of documents the opposing party intends to offer as exhibits. The presiding officer at the hearing may order production of the names of witnesses and copies of documents after receiving a written request for an order of production. The presiding officer shall issue an order of production as needed to ensure the orderly conduct of the hearing. (7-1-06)T

**02. Subpoenas.** If the public employer executive holds statutory subpoena power applicable to hearings under these rules, the presiding officer may issue subpoenas for witnesses or documents. (7-1-06)T

**03. Briefing.** The presiding officer may require briefs to be filed by the parties and establish a reasonable briefing schedule. (7-1-06)T

**04. Filing of Documents.** All documents requested by a party to be entered as exhibits shall be filed with the presiding officer in person or by first class mail with a copy provided to the opposing party. Service by mail is complete when the document, properly addressed and stamped, is deposited in the United States mail. A certificate showing delivery to all parties must accompany all documents when they are filed with the presiding officer. (7-1-06)T

**103. PROCEDURE AT HEARING.**

**01. Presiding Officer at Hearing.** In the discretion of the public employer executive, the public employer executive, one (1) or more members of the public employer executive, or one (1) or more hearing officers shall be the presiding officer at the hearing. (7-1-06)T

**02. Representation.** The petitioner may represent himself. Either party may be represented by legal counsel, at the party's own expense. Persons not authorized to practice law in the state of Idaho shall not represent parties. (7-1-06)T

**03. Evidence.** The presiding officer may exclude evidence that is irrelevant, immaterial, incompetent, unduly repetitious, excludable on constitutional or statutory grounds, or protected by legal privilege. Hearsay evidence may be admitted if it is relevant to the grant or denial of the preference and is sufficiently reliable that prudent persons would commonly rely on it in the conduct of their affairs or if the hearsay evidence corroborates competent evidence. All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Notice may be taken of judicially cognizable facts or general, technical, or scientific facts by the presiding officer on its own motion or on motion of a party. (7-1-06)T



**04. Hearing Record.** The presiding officer shall make a record of the hearing. The record shall consist of: an audio recording of the hearing, except in instances where the presiding officer requires a different method of recording the hearing; and, exhibits and other items of evidence presented at the hearing. A party may request a copy of the hearing record, at the party's own expense. (7-1-06)T

**104. FINAL ORDER.**

**01. Order of the Presiding Officer.** The presiding officer must issue a written order not more than thirty-five (35) days from the date of the hearing. The order of the presiding officer must include: (7-1-06)T

- a.** Specific findings on all major facts at issue; (7-1-06)T
- b.** A reasoned statement in support of the decision; (7-1-06)T
- c.** All other findings and recommendations of the presiding officer; (7-1-06)T
- d.** A preliminary decision finding that a preference was or was not applied by the public employer as required by Title 65, Chapter 5, Idaho Code; and (7-1-06)T
- e.** The procedure and time limits for filing a request for a review by the public employer executive, if available. (7-1-06)T

**02. Review by the Public Employer Executive.**

**a.** If the presiding officer at the hearing was a hearing officer or less than a quorum of the public employer executive, either party may request a review by a quorum of the public employer executive not later than seven (7) days from the date the presiding officer mailed the order of the presiding officer. The request must identify all legal and factual bases of disagreement with the order of the presiding officer. (7-1-06)T

**b.** Upon receipt of the request for a review hearing, the public employer executive may: (7-1-06)T

**i.** Issue a written order affirming the decision of the public employer executive without a hearing; or, (7-1-06)T

**ii.** Issue a notice for a review hearing complying with the provisions of Section 101. (7-1-06)T

**c.** If the public employer executive issues a notice for a review hearing, the notice will establish a schedule for briefing, if allowed, and specify whether oral argument will be heard on the review. (7-1-06)T

**d.** The public employer executive shall conduct review hearings within thirty-five (35) days of receipt of the review request. (7-1-06)T

**e.** The public employer executive shall issue a written order not more than thirty-five (35) days from the date of the review hearing. The order shall contain: (7-1-06)T

**i.** Specific findings on all major facts at issue; (7-1-06)T

**ii.** A reasoned statement in support of the decision; (7-1-06)T

**iii.** All other findings and recommendations of the public employer executive; and (7-1-06)T

**iv.** A finding that a preference was or was not applied by the public employer as required by Title 65, Chapter 5, Idaho Code. (7-1-06)T

**03. Order of the Public Employer Executive.**

- a. The following shall be orders of the public employer executive: (7-1-06)T
- i. The order of the presiding officer if the presiding officer is an individual serving as the public employer executive or a quorum of the public employer executive. The date of exhaustion of the appeal process shall be the date such order of the presiding officer is issued. (7-1-06)T
- ii. The order of the presiding officer if the presiding officer is a hearing officer or less than a quorum of the public employer executive and the public employer executive fails to hold a review hearing after a timely request or fails to issue an order within the required time after holding a review hearing. The date of exhaustion of the appeal process shall be the last day the public employer executive was required by these rules to hold a hearing or to issue an order. (7-1-06)T
- iii. The written order of the public employer executive following a review hearing. The date of exhaustion of the appeal process shall be the date such order of the public employer executive is issued. (7-1-06)T
- iv. The initial hiring determination of the public employer executive if the public employer executive fails to hold a hearing as required by these rules or if the presiding officer fails to issue an order after holding a hearing. The date of exhaustion of the appeal process shall be the last day the public employer executive was required by these rules to hold a hearing or to issue an order. (7-1-06)T
- b. Orders of the public employer executive shall set forth the procedure and time limits for filing an appeal to the district court under Section 65-506, Idaho Code. (7-1-06)T

**105. -- 200. (RESERVED).**

**201. ALTERNATIVE PROCESSES.**

A public employer may publish an alternative internal review process for challenges to the application of Title 65, Chapter 5, Idaho Code, if such process: (7-1-06)T

- 01. Appeal Deadline.** Establishes a deadline of thirty-five (35) days for the filing of appeals alleging the denial of a preference. (7-1-06)T
- 02. Notice of Process.** Includes written notice to applicants for employment of the existence of the process and how to obtain a copy of the process. Publication of the process in a rule or ordinance of the public employer shall be written notice to applicants for employment. (7-1-06)T
- 03. Opportunity to Be Heard.** Provides an opportunity in the internal review for the petitioner to submit argument, evidence, and witnesses and to cross-examine the public employer executive's witnesses. (7-1-06)T
- 04. Record of Process.** Produces a record of the internal review process that is available to the district court. (7-1-06)T
- 05. Written Final Order.** Requires a written final order of the public employer containing: (7-1-06)T
- a. Specific findings on all major facts at issue; (7-1-06)T
- b. A reasoned statement in support of the decision; and (7-1-06)T
- c. A finding that a preference was or was not applied by the public employer as required by Title 65, Chapter 5, Idaho Code. (7-1-06)T
- 06. Notice of Appeal Rights.** Includes written notice to petitioners at the conclusion of the internal review of the procedure and time limits for filing an appeal to the district court under Section 65-506, Idaho Code. (7-1-06)T

**202. -- 300. (RESERVED).**

**301. APPEAL TO DISTRICT COURT.**

Petitioners must exhaust an appeal process implemented under these rules prior to appeal to district court. If a public employer implements an appeal process under these rules, petitioner may appeal the order of the public employer executive to a district court of the state of Idaho within one hundred eighty (180) days of the exhaustion of the appeal process. If a public employer has not implemented an appeal process under these rules, the petitioner may file an action directly in a district court of the state of Idaho within thirty-five (35) days of the alleged denial of a preference. (7-1-06)T

**302. TRANSFER OF HEARING RECORD TO DISTRICT COURT.**

The public employer shall submit a complete copy of the hearing record to a district court of the state of Idaho following the filing of an appeal and payment by the appealing party of the costs of duplicating and preparing the hearing record for submission, including labor costs. The opposing party may obtain a copy of the transcript at a cost not exceeding the cost of duplicating the hearing record submitted to the district court. (7-1-06)T

**303. -- 999. (RESERVED).**

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-0601**

**NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is May 3, 2006.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 63-105A, Idaho Code, and the repeal of Section 63-602FF, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

House Bill 676 repealed Section 63-602FF, Idaho Code, the partial exemption for parcels of land in a rural homesite development plat. However, permits land that qualified for this exemption in 2005 to qualify for the speculative value exemption found in Section 63-602K, Idaho Code, provided that the owner files a statement with the county commissioners that the land will be actively devoted to agriculture in 2006. Although the statute does not provide a deadline for such filing, to administer this provision and to enable county records to be balanced and certified as required, the rule imposes a deadline of June 26, 2006. This deadline corresponds with the deadline by which taxpayers must file appeals of value or exemption status with the county commissioners.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(2), the Governor has found that temporary adoption of the rule is appropriate for the following reasons: In compliance with deadlines in amendments to governing law or federal programs.

**FEE SUMMARY:** Pursuant to Section(s) 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is appropriate for the following reasons: N/A

**FISCAL IMPACT:** Undetermined. Without the rule there could be a fiscal impact on many taxpayers and taxing districts. Taxpayers eligible for the exemption, but filing later in the year would have taxes cancelled meaning that taxing districts would not receive their complete budgets. However, because the exemption is discretionary, depending on the intended use of the land by various taxpayers, the actual impact cannot be determined.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Alan Dornfest at (208) 334-7500.

DATED this 3rd day of May, 2006.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7500

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 35-0103-0601**

**645. LAND ACTIVELY DEVOTED TO AGRICULTURE DEFINED (RULE 645).**

Section 63-604, Idaho Code.

(3-15-02)

**01. Definitions.** The following definitions apply for the implementation of the exemption for the speculative value portion of agricultural land. (7-1-99)

**a. Homesite.** The “homesite” is that portion of land, contiguous with but not qualifying as land actively devoted to agriculture, and the associated site improvements used for residential and farm homesite purposes. (7-1-99)

**b. Associated Site Improvements.** The “associated site improvements” include developed access, grading, sanitary facilities, water systems and utilities. (7-1-99)

**c. Nursery Stock.** Nursery stock is defined in Section 22-2302, Idaho Code. (3-15-02)

**d. Land Used to Produce Nursery Stock.** “Land used to produce nursery stock” means land used by an agricultural enterprise to promote or support the promotion of nursery stock growth or propagation, not land devoted primarily to selling nursery stock or related products. This term also includes land under any container used to grow or propagate nursery stock. This term does not include land used for parking lots or for buildings sites used primarily to sell nursery stock or related items or any areas not primarily used for the nurturing, growth or propagation of nursery stock. (3-15-02)

**e. Speculative Value Exemption.** The “speculative value exemption” is the exemption allowed on land actively devoted to agriculture. (7-1-99)

**02. Homesite Assessment.** Effective January 1, 1999, each homesite and residential and other improvements, located on the homesite, shall be assessed at market value each year. (7-1-99)

**a. Accepted Assessment Procedures.** Market value shall be determined through procedures, methods, and techniques recommended by nationally recognized appraisal and valuation associations, institutes, and societies and according to guidelines and publications approved by the State Tax Commission. Acceptable techniques include those that are either time tested in Idaho, mathematically correlated to market sales, endorsed by assessment organizations, or widely accepted by assessors in Idaho and other states. (7-1-99)

**b. Appropriate Market and Comparable Selection.** The appropriate market is the market most similar to the homesite and improvements, located on the homesite. In applying the sales comparison approach, the appraiser should select comparables having actual or potential residential use. (7-1-99)

**c. Assigning Category.** The value of the homesite will be listed in Category 10. (7-1-99)

**d. Homesite Independent of Remaining Land.** The value and classification of the homesite will be independent of the classification and valuation of the remaining land. (7-1-99)

**03. Valuing Land, Excluding the Homesite.** The assessor shall value land, excluding the homesite, on the following basis: (5-3-03)

**a. Land Used for Personal Use or Pleasure.** Any land, regardless of size, utilized for the grazing of animals kept primarily for personal use or pleasure and not a portion of a for profit enterprise, shall be valued at market value using appraisal procedures identified in Paragraph 645.02.a of this rule and shall not qualify for the speculative value exemption. (4-11-06)

**b. Land in a Subdivision.** Land in a subdivision with restrictions prohibiting agricultural use shall be valued at market value using appraisal procedures identified in Paragraph 645.02.a of this rule and shall not qualify for the speculative value exemption but may qualify for the exemption under Section 63-602FF, Idaho Code. Land meeting the use qualifications identified in Section 63-604, Idaho Code, and in a subdivision without restrictions

prohibiting agricultural use shall be valued as land actively devoted to agriculture using the same procedures as used for valuing land actively devoted to agriculture and not located in a subdivision. (4-11-06)

**c.** Land, Five (5) Contiguous Acres or Less. Land of five (5) contiguous acres or less shall be presumed nonagricultural, shall be valued at market value using appraisal procedures identified in Paragraph 645.02.a of this rule, and shall not qualify for the speculative value exemption. If the owner produces evidence that each contiguous holding of land under the same ownership has been devoted to agricultural use for the last three (3) growing seasons and it agriculturally produced for sale or home consumption fifteen percent (15%) or more of the owner's or lessee's annual gross income or it produced gross revenue in the immediate preceding year of one thousand dollars (\$1,000) or more, the land actively devoted to agriculture, shall qualify for the speculative value exemption. For holdings of five (5) contiguous acres or less income is measured by production of crops, nursery stock, grazing, or net income from sale of livestock. Income shall be estimated from crop prices at harvest or nursery stock prices at time of sale. The use of the land and the income received in the prior year must be certified with the assessor by March 15, each year. (4-11-06)

**d.** Land, More Than Five (5) Contiguous Acres. Land of more than five (5) contiguous acres under one (1) ownership, producing agricultural field crops, nursery stock, or grazing, or in a cropland retirement or rotation program, as part of a for profit enterprise, shall qualify for the speculative value exemption. Land not annually meeting any of these requirements fails to qualify as land actively devoted to agriculture and shall be valued at market value using appraisal procedures identified in Paragraph 645.02.a. of this rule. (4-11-06)

**04. 2006 Agricultural Use Statement Deadline.** For land qualified for the "speculative homesite exemption" under Section 63-602FF, Idaho Code, in 2005, the statement of agricultural use during calendar year 2006 allowed by House Bill 676 (passed in 2006) to qualify as "actively devoted to agriculture" must be submitted to the county board of equalization by the close of business on June 26, 2006. (1-1-06)T

## **IDAPA 37 - DEPARTMENT OF WATER RESOURCES**

### **37.03.09 - WELL CONSTRUCTION STANDARDS RULES**

**DOCKET NO. 37-0309-0601**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Section 42-238(12), Idaho Code.

**MEETING SCHEDULE:** A public meeting(s) on the negotiated rulemaking will be scheduled in the near future.

The meeting schedule will be posted at the Department's website, <http://www.idwr.idaho.gov>

**METHOD OF PARTICIPATION:** Persons wishing to participate in the informal negotiated rulemaking must do the following:

The time, places, and locations for negotiated rulemaking will be posted at the Department's website <http://www.idwr.idaho.gov>. Persons wishing to participate may:

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting or at the IDWR website;
3. Submit written recommendations and comments to the address below.

**DESCRIPTIVE SUMMARY:** The purpose of the negotiated rulemaking is to revise the Well Construction Standards Rules to protect the waters of the State of Idaho, ensure the health and safety of persons who rely upon ground water from domestic, irrigation, and public water supply wells, and to increase the effectiveness of enforcement.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on questions concerning this negotiated rulemaking, please contact the Department at its website <http://www.idwr.idaho.gov> or contact Mr. John Carlson (208) 287-4800.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be filed at the Department's website at <http://www.idwr.idaho.gov>, or by mail at the address below.

DATED this 23rd day of May, 2006.

Jerry R. Rigby, Chairman  
The Idaho Water Resource Board  
322 East Front Street  
PO Box 83720  
Boise, ID 83720-0098  
208-287-4800 telephone  
208-287-6700 facsimile

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.11 - RULES GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY**  
**AND TRAVEL RESTRICTIONS**

**DOCKET NO. 39-0311-0501**

**NOTICE OF RULEMAKING - FINAL RULE**

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 39-0311-0501. This agency action for this final rulemaking is authorized pursuant to Sections 40-312 and 49-1004, Idaho Code.

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

Pursuant to House Concurrent Resolution No. 56 (HCR 56), the 2006 Legislature rejected proposed changes in Docket No. 39-0311-0501, which they found to be inconsistent with legislative intent. As a result, the rule text has reverted back to the codified text in place prior to the adoption of the proposed rulemaking. The text of the final rule follows this notice.

The original text of the proposed rule was published in the July 2005 Idaho Administrative Bulletin, Vol. 05-7, page(s) 66 through 68. The pending rule was published in the September 2005 Idaho Administrative Bulletin, Vol. 05-9, page 309.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Alan Frew, Commercial Vehicle Services Manager, 334-8809.

DATED this 5th day of May, 2006.

Linda L. Emry, Management Assistant  
Office of Budget, Policy, and Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
Boise ID 83707-1129  
Phone: 208-334-8810  
FAX: 208-334-8195

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**THE FOLLOWING IS THE TEXT OF THE FINAL RULE OF DOCKET 39-0311-0501**

**200. TIME OF TRAVEL RESTRICTIONS FOR OVER LEGAL LOADS.**

Oversize loads may be transported on Idaho Highways subject to the following conditions: (10-2-89)

**01. Red-Coded Routes.** Daylight travel until 2 p.m. on Friday, no Saturday, no Sunday. Due to low traffic volumes on these routes early in the mornings of Saturday and Sunday, single trip permits may be issued for dawn to 8 a.m. If the movement is not completed by 8 a.m. the permittee will be required to safely park and not proceed until the next day. (4-5-00)

**02. Black-Coded Routes.** Loads not in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may travel twenty-four (24) hours per day, seven (7) days per week; loads in



excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may travel daylight hours seven (7) days per week. (12-26-90)

**03. Interstate.** Loads not in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fourteen (14) feet six (6) inches high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fourteen (14) feet six (6) inches high may travel daylight hours, seven (7) days per week. (4-5-00)

**04. Additional Restrictions.** (8-25-94)

**a.** Red-Coded Routes: No travel for any load after 2 p.m. on the day preceding a holiday or holiday weekend. A holiday weekend occurs as three (3) consecutive days, when a designated holiday occurs on a Friday or Monday, or when the designated holiday occurs on a Saturday or Sunday, in which case the preceding Friday or the following Monday shall be included in such three (3) day holiday weekend. Travel may be resumed at dawn on the day following the holiday or holiday weekend. (4-5-00)

**b.** Black-Coded Routes and Interstate Routes: Loads in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may not travel after 4:00 p.m. on the day preceding a holiday; travel may be resumed at dawn on the day following the holiday. (4-5-00)

**c.** The following days are designated as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. (8-25-94)

**d.** Additional restrictions relating to movement of buildings and houses are listed in IDAPA 39.03.18, "Rules Governing Overlegal Permits for Relocation of Buildings or Houses," Section 400. (4-5-00)

**e.** Other time of travel restrictions may be noted on the permit due to special circumstances. (8-25-94)

**05. Hours Of Darkness.** Hours are defined as extending from one-half (1/2) hour after sundown to one-half (1/2) hour before sun rise or at any other time when visibility is restricted to less than five hundred (500) feet. (4-5-00)

**06. Heavy Commuter Traffic Restrictions.** The movement of oversize vehicles or loads which are in excess of twelve (12) feet in width, in excess of eighty-five (85) feet in length, or in excess of sixteen (16) feet in height may be prohibited from movement on highways within the urban limits of the following cities: Boise, Caldwell, Coeur d'Alene, Idaho Falls, Lewiston, Nampa, Pocatello, Twin Falls, Garden City, and Chubbuck at times of heavy commuter traffic. Unless otherwise defined on the permit, the times of heavy commuter traffic shall be considered to be 6:30 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m. and 4 p.m. to 6 p.m. This restriction may not apply to sections of completed Interstate Highway within the above listed cities. Such a restriction of oversize load travel to avoid conflict with heavy commuter traffic volumes shall appear on the face of the permit. (4-5-00)

**07. Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of permitted vehicle combinations shall be exercised when hazardous conditions exist. The movement of overlegal vehicles and/or loads by overlegal permit shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric conditions. (3-10-05)

**08. Delaying Movement.** Enforcement personnel responsible for any section of highway may delay movements and carry out enforcement action for violations involving overlegal permit operations. (4-5-00)

**09. Map Resources.** The Pilot/Escort Vehicle and Travel Time Requirement Map is available at the Idaho Transportation Department Overlegal Permit Office, and Ports of Entry, and District Offices. (4-5-00)

## IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

### 39.03.45 - RULES GOVERNING SALE OF NO LONGER USABLE REAL PROPERTY

DOCKET NO. 39-0345-0501

#### NOTICE OF RULEMAKING - FINAL RULE

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 39-0345-0501. This agency action for this final rulemaking is authorized pursuant to Section 58-335A, Idaho Code.

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

Pursuant to House Concurrent Resolution No. 56 (HCR 56), the 2006 Legislature rejected proposed changes in Docket No. 39-0345-0501, which they found to be inconsistent with legislative intent. As a result, the rule text has reverted back to the codified text in place prior to the adoption of the proposed rulemaking. The text of the final rule follows this notice.

The original text of the proposed rule was published in the July 2005 Idaho Administrative Bulletin, Vol. 05-7, page(s) 69 through 72. The pending rule was published in the September 2005 Idaho Administrative Bulletin, Vol. 05-9, page 311.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Leonard Hill, Right-of-Way Manager, 334-8520.

DATED this 5th day of May, 2006.

Linda L. Emry, Management Assistant  
Office of Budget, Policy, and Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
Boise ID 83707-1129  
Phone: 208-334-8810  
FAX: 208-334-8195

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#### THE FOLLOWING IS THE TEXT OF THE FINAL RULE OF DOCKET NO. 39-0345-0501

**001. TITLE AND SCOPE.**

This rule establishes a process for selling no longer useful or usable real property under the ownership and control of the Idaho Transportation Department. (7-1-97)

**002. -- 009. (RESERVED).**

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

**301. METHOD OF SALE FOR PROPERTY VALUED LESS THAN TEN THOUSAND DOLLARS.**

The department shall offer the property for sale at an amount not less than the Surplus Property Value Estimate. The property shall first be offered to all adjoining property owners. If more than one (1) adjoining property owner is interested in the property, a private auction will be held between the adjacent owners. If the property is not purchased by an adjacent owner, it shall be offered at public sale. The sales price shall include an administrative fee. Term sales of up to five (5) years may be offered at the discretion of the department. (7-1-97)

**302. METHOD OF SALE FOR PROPERTY VALUED AT TEN THOUSAND DOLLARS OR GREATER.**

The department shall first offer the property at the appraised price to the following: State Agencies, County and City where the property is located, the Highway District in which the property is located. The state agencies are given first priority to purchase the property, county second, city third and Highway District fourth. If none of the above public agencies purchase the property, it will be offered at public sale. The sales price shall include an administrative fee. Term sales of up to twenty (20) years may be offered at the discretion of the department. (7-1-97)

**303. -- 399. (RESERVED).**

# IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0603

## NOTICE OF UPDATE TO FINAL RULES

**EFFECTIVE DATE:** This update becomes effective immediately upon publication of this notice in the Idaho Administrative Bulletin.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, and in conjunction with the Office of the Administrative Rules Coordinator, notice is hereby given that certain final rules of the Department of Environmental Quality are being updated as described below. The updates being made are a result of rulemakings that were approved and finalized by legislative action that have caused these citations to become incorrect or outdated. Because the changes are non-substantive in nature, this rulemaking is being done outside the normal rulemaking procedures with the permission of the Administrative Rules Coordinator.

**UPDATE SUMMARY:** Under Docket No. 58-0102-0504, effective April 11, 2006, the Board of Environmental Quality adopted revisions to IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements." The revisions included changing the name of the rule chapter to "Water Quality Standards". All references to IDAPA 58.01.02, "Water Quality Standards," throughout the Idaho Administrative Code have been changed to reflect the new name of this rule chapter.

The following chapters are affected by this rulemaking and references to the rule chapter have been updated:

- 58.01.02, Water Quality Standards;
- 58.01.04, Rules for Administration of Wastewater Treatment Facility Grants;
- 58.01.06, Solid Waste Management Rules;
- 58.01.12, Rules for Administration of Water Pollution Control Loans; and
- 58.01.13, Rules for Ore Processing by Cyanidation.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, Office of the Administrative Rules Coordinator, (208) 332-1820.

Dated this 25th day of April, 2006.

Dennis R. Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
650 W. State St.  
Boise, ID 83720-0306  
Telephone: (208) 332-1820  
Facsimile: (208) 332-1896

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0604

### NOTICE OF FINAL DECISION ON THE BEAR RIVER/MALAD SUBBASIN TMDL

**AUTHORITY:** In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Bear River/Malad Subbasin Total Maximum Daily Load (TMDL).

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Bear River/Malad Subbasin TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Bear River/Malad Subbasin TMDL (Hydrologic Unit Codes 16010102, 16010201, 16010202 and 16010204) addresses twenty-seven (27) streams and reservoirs within the Bear River/Malad subbasins on Idaho's 1998 and 2002 Section 303(d) list. The twenty-seven (27) stream reaches cover 46 unique and 7 shared assessment units (AUs) for which 59 TMDLs were written. Four (4) waters accounting for 7 shared AUs are recommended for de-listing. DEQ has submitted this HUC TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

**AVAILABILITY OF THE TMDL:** Electronic copy of the TMDL can be obtained at [http://www.deq.idaho.gov/water/data\\_reports/surface\\_water/tmdls/bear\\_river/bear\\_river.cfm](http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/bear_river/bear_river.cfm) or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, [Marti.Bridges@deq.idaho.gov](mailto:Marti.Bridges@deq.idaho.gov).

Dated this 1st day of May, 2006.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
[Paula.Wilson@deq.idaho.gov](mailto:Paula.Wilson@deq.idaho.gov)

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**DOCKET NO. 58-0101-0502**

**NOTICE OF RULEMAKING - AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The amendment to the temporary rule will become effective on July 1, 2006.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that the Board of Environmental Quality (Board) has amended a temporary rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code.

**DESCRIPTIVE SUMMARY:** In February 2006, the Board adopted a temporary rule that requires dairy farms above the specified threshold numbers of cows or animal units to implement industry best management practices to control ammonia emissions through a permit by rule. The temporary rule as adopted in February does not include an exemption from paying the permit by rule registration fee. In order to exempt dairy farms from paying the permit by rule registration fee, the Board amended the previously adopted temporary rule by adding Subsection 763.04.

The proposed rule for this docket (published in this issue of the Idaho Administrative Bulletin) is the same text as the temporary rule adopted in February and amended in April.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is necessary in order to confer a benefit. The rule developed through these negotiations will confer a benefit to the regulated industry, the public, and the environment by requiring the implementation of dairy best management practices (BMPs). Industry will benefit from protection from lawsuits by being regulated under this rule. The public and environment will benefit by the application of BMPs.

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule is broader in scope than federal law as the federal government has not yet indicated that these particular size and type of dairy farms must obtain air quality permits. The federal government is in the emissions information gathering stage of regulating emissions from dairy farms. This rule may be revised upon completion of additional state and federal scientific research. The negotiated rule group reached consensus that the ammonia control point value associated with the various BMPs is based on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** The text of the temporary rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code Section 67-5220 and IDAPA 04.11.01.812-815. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, April 6, 2005, Vol. 05-4, page 18.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.idaho.gov](http://www.deq.idaho.gov)

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Martin Bauer at [martin.bauer@deq.idaho.gov](mailto:martin.bauer@deq.idaho.gov) or (208)373-0440.

DATED this 25th day of April, 2006.

Paula J. Wilson, Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton/Boise, Idaho 83706-1255  
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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-0502

**763. REGISTRATION FOR PERMIT BY RULE.**

**01. Registration Process.** Any owner or operator of a new dairy farm subject to Sections 760 through 764, or an existing dairy farm that becomes subject to these sections due to change in size or type of operation, shall register prior to fifteen (15) days of triggering the threshold for which a permit is required. (7-1-06)T

**02. Registration Due Date.** Any owner or operator of an existing dairy farm subject to Sections 760 through 764 shall register within fifteen (15) days of the effective date of Sections 760 through 764. (7-1-06)T

**03. Registration Information.** The following information shall be provided by the registrant to the Department of Environmental Quality and the Department of Agriculture: (7-1-06)T

**a.** Name, address, location of dairy farm, and telephone number. (7-1-06)T

**b.** Information sufficient to establish that the dairy farm is of the size and type described in Section 761. (7-1-06)T

**c.** Information describing what BMPs, as described in Section 764, are employed to total twenty-seven (27) points. (7-1-06)T

**04. Exemption from Registration Fee.** Dairy farms subject to Sections 760 through 764 are exempt from paying the permit by rule registration fee set forth in Section 800. (7-1-06)T

**045. Inspection.** Within thirty (30) days of receipt of the registration information, the state of Idaho shall conduct a qualifying inspection to ensure the requisite point total of BMPs are employed. (7-1-06)T

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

#### DOCKET NO. 58-0101-0502

#### NOTICE OF RULEMAKING - PROPOSED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before June 23, 2006. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** The Independent Dairy Environmental Action League (IDEAL) and the Idaho Conservation League (ICL) asked the Department of Environmental Quality (DEQ) to initiate a negotiated rulemaking to consider air quality permit rules to control ammonia from dairy farms. In February 2006, the Board adopted a temporary rule that requires dairy farms above the specified threshold numbers of cows or animal units to implement industry best management practices to control ammonia emissions through a permit by rule. In April 2006, the Board amended the temporary rule with the addition of Subsection 763.04, which exempts dairy farms from paying the permit by rule registration fee. The temporary rule, along with the amendment, will become effective on July 1, 2006. This proposed rule is the same text as the temporary rule adopted in February and amended in April.

DEQ is also seeking public comment on two documents: "Fact Sheet Docket 58-0101-0502: Rules for the Control of Ammonia from Dairy Farms" and "Scientific Basis for the Control of Ammonia from Dairy Farms Best Management Practices - 4/14/06". These documents may be obtained at [www.deq.idaho.gov/air/permits\\_forms/permitting/pbr-dairies.cfm](http://www.deq.idaho.gov/air/permits_forms/permitting/pbr-dairies.cfm) or by contacting Phyllis Heitman, [phyllis.heitman@deq.idaho.gov](mailto:phyllis.heitman@deq.idaho.gov), (208) 373-0256.

The text of this rule was developed by DEQ in conjunction with a negotiating committee made up of representatives from the dairy industry, the environmental community, other state agencies, and other persons having an interest in the development of this rule. After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the fall of 2006 for adoption of a pending rule. The rule is expected to be final and effective upon the adjournment of the 2007 legislative session if adopted by the Board and approved by the Legislature.

**IDAHO CODE 39-107D STATEMENT:** This rule is broader in scope than federal law as the federal government has not yet indicated that these particular size and type of dairy farms must obtain air quality permits. The federal government is in the emissions information gathering stage of regulating emissions from dairy farms. This rule may be revised upon completion of additional state and federal scientific research. The negotiated rule group reached consensus that the ammonia control point value associated with the various BMPs is based on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code Section 67-5220 and IDAPA 04.11.01.812-815. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, April 6, 2005, Vol. 05-4, page 18.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.idaho.gov](http://www.deq.idaho.gov).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440, [martin.bauer@deq.idaho.gov](mailto:martin.bauer@deq.idaho.gov).

Anyone may submit written comments by mail, fax, or e-mail at the address below regarding this proposed rule. DEQ



will consider all written comments received by the undersigned on or before July 7, 2006.

DATED this 3rd day of May, 2006.

Paula J. Wilson, Hearing Coordinator  
 Department of Environmental Quality  
 1410 N. Hilton, Boise, Idaho 83706-1255  
 (208)373-0418/Fax No. (208)373-0481  
 paula.wilson@deq.idaho.gov

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-0502**

**752. -- 74459. (RESERVED).**

**760. RULES FOR THE CONTROL OF AMMONIA FROM DAIRY FARMS.**

The purpose of Sections 760 through 764 is to set forth the requirements for the control of ammonia through best management practices (BMPs) for certain size dairy farms licensed by the Idaho State Department of Agriculture to sell raw milk for human consumption. Compliance with these sections does not relieve the owner or operator of a dairy farm from the responsibility of complying with all other federal, state and local applicable laws, regulations, and requirements, including, but not limited to, Sections 161, 650 and 651 of these rules. Registration forms and guidance documents relating to these rules are located at [www.deq.idaho.gov](http://www.deq.idaho.gov). ( )

**761. GENERAL APPLICABILITY.**

The requirements of Sections 760 through 764 apply to the following size dairy farms:

**SUMMARY: Animal Unit (AU) or mature cow threshold to produce 100 ton NH<sub>3</sub>/year**

| <u>Animal Unit (AU) Basis</u>                                                                                                                                             | <u>Drylot</u> | <u>Free Stall/Scrape</u> | <u>Free Stall/Flush</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------|-------------------------|
| <u>AU (100 t NH<sub>3</sub>) Threshold</u>                                                                                                                                |               |                          |                         |
| <u>No land app</u>                                                                                                                                                        | <u>7089</u>   | <u>3893</u>              | <u>2293</u>             |
| <u>27% volatilization<sup>1</sup></u>                                                                                                                                     | <u>6842</u>   | <u>3827</u>              |                         |
| <u>80% volatilization<sup>2</sup></u>                                                                                                                                     | <u>6397</u>   | <u>3700</u>              |                         |
| <u>Total Cows (100 t NH<sub>3</sub>) Threshold</u>                                                                                                                        |               |                          |                         |
| <u>Cow Basis (1400 lbs)</u>                                                                                                                                               | <u>Drylot</u> | <u>Free Stall/Scrape</u> | <u>Free Stall/Flush</u> |
| <u>No land app</u>                                                                                                                                                        | <u>5063</u>   | <u>2781</u>              | <u>1638</u>             |
| <u>27% volatilization<sup>1</sup></u>                                                                                                                                     | <u>4887</u>   | <u>2733</u>              |                         |
| <u>80% volatilization<sup>2</sup></u>                                                                                                                                     | <u>4569</u>   | <u>2643</u>              |                         |
| <sup>1</sup> <u>Assumes: Expected level of N-&gt;NH<sub>3</sub> volatilization for: drop-hose or ground level liquid manure application</u>                               |               |                          |                         |
| <sup>2</sup> <u>Assumes: Expected level of N-&gt;NH<sub>3</sub> volatilization for: center pivot or other conventional sprinkler irrigation liquid manure application</u> |               |                          |                         |

( )

**762. PERMIT BY RULE.**

**01. General Requirement.** Owners and operators of dairy farms shall be deemed to have a permit by rule if they comply with all of the applicable provisions of Sections 760 through 764. Owners and operators of dairy farms subject to Sections 760 through 764 shall not operate without obtaining the applicable permit by rule within the time frame specified. ( )

**02. Optional Permit by Rule.** Nothing in Sections 760 through 764 shall preclude any owner or operator of a dairy farm from requesting and obtaining an air quality permit pursuant to Section 200, nor shall Sections 760 through 764 preclude an owner or operator of a dairy farm below the threshold size in Section 761 from complying with Sections 760 through 764 and thereby obtaining a permit by rule. ( )

**03. Exemption.** If a dairy farm not subject to Sections 760 through 764 otherwise would become subject to those sections as a result of an emergency, the dairy farm shall notify the Director in writing within fourteen (14) days of the emergency. The notification shall include an explanation of the emergency circumstances. The dairy farm shall be exempt from the requirements of Sections 760 through 764 as long as the consequences of the emergency continue (but in no case for more than one (1) year) unless for good cause the Director determines it is appropriate to limit, condition or revoke the exemption. For the purpose of this rule "emergency" shall be defined as a serious situation or occurrence that happens unexpectedly and demands immediate action. ( )

**763. REGISTRATION FOR PERMIT BY RULE.**

**01. Registration Process.** Any owner or operator of a new dairy farm subject to Sections 760 through 764, or an existing dairy farm that becomes subject to these sections due to change in size or type of operation, shall register prior to fifteen (15) days of triggering the threshold for which a permit is required. ( )

**02. Registration Due Date.** Any owner or operator of an existing dairy farm subject to Sections 760 through 764 shall register within fifteen (15) days of the effective date of Sections 760 through 764. ( )

**03. Registration Information.** The following information shall be provided by the registrant to the Department of Environmental Quality and the Department of Agriculture: ( )

**a.** Name, address, location of dairy farm, and telephone number. ( )

**b.** Information sufficient to establish that the dairy farm is of the size and type described in Section 761. ( )

**c.** Information describing what BMPs, as described in Section 764, are employed to total twenty-seven (27) points. ( )

**04. Exemption from Registration Fee.** Dairy farms subject to Sections 760 through 764 are exempt from paying the permit by rule registration fee set forth in Section 800. ( )

**05. Inspection.** Within thirty (30) days of receipt of the registration information, the state of Idaho shall conduct a qualifying inspection to ensure the requisite point total of BMPs are employed. ( )

**764. DAIRY FARM BEST MANAGEMENT PRACTICES.**

**01. BMPs.** Each dairy farm subject to Sections 760 through 764, or that otherwise obtains a permit by rule under these sections, shall employ BMPs for the control of ammonia to total twenty-seven (27) points. Points may be obtained through third party export with sufficient documentation. The table located at Subsection 764.02, lists available BMPs and the associated point value. As new information becomes available or upon request, the Director may determine a practice not listed in the table constitutes a BMP and assign a point value. ( )

**02. Table - Ammonia Control Practices for Idaho Dairies.**

|                                                   |                                                     | <u>Ammonia Control Effectiveness</u> <sup>1</sup> |                         |                        |                                       |
|---------------------------------------------------|-----------------------------------------------------|---------------------------------------------------|-------------------------|------------------------|---------------------------------------|
| <u>System</u>                                     | <u>Component</u>                                    | <u>Open Lot</u>                                   | <u>Freestall Scrape</u> | <u>Freestall Flush</u> | <u>Compliance Method</u> <sup>3</sup> |
| <b><u>Waste Storage and Treatment Systems</u></b> | <u>Synthetic Lagoon Cover</u>                       | <u>15</u>                                         | <u>20</u>               | <u>20</u>              | <u>1</u>                              |
|                                                   | <u>GeoteXtile Covers</u>                            | <u>10</u>                                         | <u>13</u>               | <u>13</u>              | <u>1</u>                              |
|                                                   | <u>Solids Separation</u>                            | <u>3</u>                                          | <u>3</u>                | <u>3</u>               | <u>3, 4</u>                           |
|                                                   | <u>Composting</u>                                   | <u>4</u>                                          | <u>4</u>                | <u>4</u>               | <u>1</u>                              |
|                                                   | <u>Separate Slurry and Liquid Manure Basins</u>     | <u>6</u>                                          | <u>10</u>               | <u>-</u>               | <u>1</u>                              |
|                                                   | <u>In-House Separation</u>                          | <u>0</u>                                          | <u>12</u>               | <u>0</u>               | <u>1</u>                              |
|                                                   | <u>Direct Utilization of Collected Slurry</u>       | <u>6</u>                                          | <u>10</u>               | <u>-</u>               | <u>1, 3, 4</u>                        |
|                                                   | <u>Direct Utilization of Parlor Wastewater</u>      | <u>10</u>                                         | <u>10</u>               | <u>10</u>              | <u>1</u>                              |
|                                                   | <u>Direct Utilization of Flush Water</u>            | <u>8</u>                                          | <u>0</u>                | <u>13</u>              | <u>3, 4</u>                           |
|                                                   | <u>Anaerobic Digester</u>                           | <u>-</u>                                          | <u>-</u>                | <u>-</u>               | <u>-</u>                              |
|                                                   | <u>Anaerobic Lagoon</u>                             | <u>-</u>                                          | <u>-</u>                | <u>-</u>               | <u>-</u>                              |
|                                                   | <u>Aerated Lagoon</u>                               | <u>10</u>                                         | <u>12</u>               | <u>15</u>              | <u>2</u>                              |
|                                                   | <u>Sequencing-Batch Reactor</u>                     | <u>15</u>                                         | <u>20</u>               | <u>20</u>              | <u>2</u>                              |
|                                                   | <u>Lagoon Nitrification/Denitrification Systems</u> | <u>15</u>                                         | <u>20</u>               | <u>20</u>              | <u>2</u>                              |
| <u>Fixed-Media Aeration Systems</u>               | <u>15</u>                                           | <u>20</u>                                         | <u>20</u>               | <u>2</u>               |                                       |
| <b><u>General Practices</u></b>                   | <u>Vegetative or Wooded Buffers (established)</u>   | <u>7</u>                                          | <u>7</u>                | <u>7</u>               | <u>1</u>                              |
|                                                   | <u>Vegetative or Wooded Buffers (establishing)</u>  | <u>2</u>                                          | <u>2</u>                | <u>2</u>               | <u>1</u>                              |
|                                                   | <u>Alternatives to Copper Sulfate</u>               | <u>-</u>                                          | <u>-</u>                | <u>-</u>               | <u>-</u>                              |
| <b><u>Freestall Barns</u></b>                     | <u>Scrape Built Up Manure</u>                       | <u>-</u>                                          | <u>3</u>                | <u>3</u>               | <u>1</u>                              |
|                                                   | <u>Frequent Manure Removal</u>                      | <u>UD</u>                                         | <u>UD</u>               | <u>UD</u>              | <u>-</u>                              |
|                                                   | <u>Tunnel Ventilation</u>                           | <u>-</u>                                          | <u>-</u>                | <u>-</u>               | <u>-</u>                              |
|                                                   | <u>Tunnel Ventilation w/Biofilters</u>              | <u>-</u>                                          | <u>10</u>               | <u>10</u>              | <u>1</u>                              |
|                                                   | <u>Tunnel Ventilation w/Washing Wall</u>            | <u>-</u>                                          | <u>10</u>               | <u>10</u>              | <u>3, 4</u>                           |

|                                     |                                                | <b>Ammonia Control Effectiveness<sup>1</sup></b> |                         |                        |                                      |
|-------------------------------------|------------------------------------------------|--------------------------------------------------|-------------------------|------------------------|--------------------------------------|
| <b>System</b>                       | <b>Component</b>                               | <b>Open Lot</b>                                  | <b>Freestall Scrape</b> | <b>Freestall Flush</b> | <b>Compliance Method<sup>3</sup></b> |
| <b>Open Lots and Corrals</b>        | Rapid Manure Removal                           | 4                                                | 2                       | 2                      | 1, 2                                 |
|                                     | Corral Harrowing                               | 4                                                | 2                       | 2                      | 1                                    |
|                                     | Surface Ammendments                            | 10                                               | 5                       | 5                      | 2                                    |
|                                     | In-Corral Composting / Stockpiling             | 4                                                | 2                       | 2                      | 1                                    |
|                                     | Summertime Deep Bedding                        | 10                                               | 5                       | 5                      | 1                                    |
| <b>Animal Nutrition</b>             |                                                |                                                  |                         |                        |                                      |
| <b>Animal Nutrition</b>             | Manage Dietary Protein                         | 2                                                | 2                       | 2                      | 2                                    |
| <b>Composting Practices</b>         |                                                |                                                  |                         |                        |                                      |
| <b>Composting Practices</b>         | Alum Incorporation                             | 12                                               | 8                       | 6                      | 2                                    |
|                                     | Carbon:Nitrogen Ratio (C:N) Ratio Manipulation | 10                                               | 7.5                     | 5                      | 2                                    |
|                                     | Composting with Windrows                       | -                                                | -                       | -                      | -                                    |
|                                     | Composting Static Pile                         | 6                                                | 4.5                     | 3                      | 1                                    |
|                                     | Forced Aeration Composting                     | 10                                               | 7.5                     | 5                      | 1                                    |
|                                     | Forced Aeration Composting with Biofilter      | 12                                               | 8                       | 6                      | 1                                    |
| <b>Land Application<sup>2</sup></b> |                                                |                                                  |                         |                        |                                      |
| <b>Land Application<sup>2</sup></b> | Soil Injection - Slurry                        | 10                                               | 15                      | 7.5                    | 2                                    |
|                                     | Incorporation of Manure within 24 hrs          | 10                                               | 10                      | 10                     | 2                                    |
|                                     | Incorporation of Manure within 48 hrs          | 5                                                | 5                       | 5                      | 2                                    |
|                                     | Nitrification of Lagoon Effluent               | 10                                               | 10                      | 15                     | 3, 4                                 |
|                                     | Low Energy/Pressure Application Systems        | 7                                                | 7                       | 10                     | 1                                    |
|                                     | Freshwater Dilution                            | 5                                                | 8                       | 8                      | 1, 2                                 |
|                                     | Pivot Drag Hoses                               | 8                                                | 8                       | 10                     | 1                                    |
|                                     | Subsurface Drip Irrigation                     | 10                                               | 10                      | 12                     | 1                                    |

| <u>System</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>Component</u> | <u>Ammonia Control Effectiveness</u> <sup>1</sup> |                         |                        | <u>Compliance Method</u> <sup>3</sup> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------|-------------------------|------------------------|---------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  | <u>Open Lot</u>                                   | <u>Freestall Scrape</u> | <u>Freestall Flush</u> |                                       |
| <p><b>Notes:</b></p> <p>1. The ammonia emission reduction effectiveness of each practice is rated numerically based on practical year-round implementation. Variations due to seasonal practices and expected weather conditions have been factored into these ratings. Not implementing a BMP when it is not practicable to do so, does not reduce the point value assigned to the BMP, nor does it constitute failure to perform the BMP. UD indicates that the practice is still under development.</p> <p>2. Land application practices assume practice is conducted on all manure; points will be pro-rated to reflect actual waste treatment; points can be obtained on exported material with sufficient documentation.</p> <p>3. Method used by inspector to determine compliance<br/> <u>1=Observation by Inspector</u><br/> <u>2=On-Site Recordkeeping Required</u><br/> <u>3, 4=Deviation Reporting Required. Equipment upsets and/or breakdowns shall be recorded in a deviation log and if repaired in a reasonable timeframe does not constitute non-compliance with this rule.</u></p> |                  |                                                   |                         |                        |                                       |

( )

765. -- 774.      (RESERVED).

# IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

## 58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-0505

### 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. This action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before June 23, 2006. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** In this rulemaking, the Department of Environmental Quality (DEQ) proposes to add language to Section 053, Beneficial Use Support Status, which codifies support for an existing policy that allows consideration of frequency of exceedance of numeric criteria for certain water quality parameters (pH, turbidity, DO, and temperature) in assessing achievement of water quality objectives and support of beneficial uses. DEQ also proposes to revise several definitions to improve clarity and utility and to make other miscellaneous corrections. The proposed revisions at Subsections 100.01.b., 250.02.f., and 250.04 have been included for consistency with existing rule text and to clarify DEQ's determination of salmonid spawning.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. Everyone with an interest in the quality of surface water in Idaho likely has an interest in this rulemaking. In particular, those concerned with how DEQ judges support of beneficial uses may be affected.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2006 for adoption of a pending rule. The rule is expected to be final and effective upon the adjournment of the 2007 legislative session if approved by the Legislature.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**IDAHO CODE SECTION 39-107D STATEMENT:** The revisions included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

**NEGOTIATED RULEMAKING:** The text of the proposed rule has been drafted based on discussions held during a negotiation conducted pursuant to Idaho Code Section 67-5220 and IDAPA 04.11.01.812-815. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, November 2, 2005, Vol. 05-11, page 65.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.idaho.gov](http://www.deq.idaho.gov).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning this rulemaking, contact Don Essig at (208) 373-0119, [Don.Essig@deq.idaho.gov](mailto:Don.Essig@deq.idaho.gov).

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before July 7, 2006.

Dated this 20th day of April, 2006.

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0102-0505

**010. DEFINITIONS.**

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards," the following definitions apply: (4-11-06)

**01. Acute.** ~~Involving a~~ A stimulus severe enough to ~~rapidly~~ induce a rapid response; ~~In aquatic toxicity tests, a response measuring lethality observed in~~ acute refers to a single or short-term (i.e., ninety-six (96) hours or less) is typically considered acute exposure to a concentration of a toxic substance or effluent which results in death to fifty percent (50%) of the test organisms. When referring to human health, an acute effect is not always measured in terms of lethality. (3-20-97)(\_\_\_\_)

**02. Acute Criteria.** Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity ~~resulting from~~ due to exposure to the toxic substance or effluent. Acute criteria ~~will be expected to~~ adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms "acute criteria" and "criterion maximum concentration" (CMC) are equivalent. This is also known as the Criterion Maximum Concentration (CMC). There are no specific acute criteria for human health; however, the human health criteria are based on chronic health effects and are expected to adequately protect against acute effects. (3-15-02)(\_\_\_\_)

~~03. Acute Toxicity. The existence of mortality or injury to aquatic organisms resulting from a single or short term (i.e., ninety-six (96) hours or less) exposure to a substance. As applied to toxicity tests, acute toxicity refers to the response of aquatic test organisms to a concentration of a toxic substance or effluent which results in a LC-50.~~ (3-20-97)

**043. Aquatic Species.** Any plant or animal that lives at least part of its life in the water column or benthic portion of waters of the state. (8-24-94)

**054. Background.** The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream point of measurement is absent, the department will determine where background conditions should be measured. (8-24-94)

**065. Basin Advisory Group.** No less than one advisory group named by the Director, in consultation with the designated agencies, for each of the state's six (6) major river basins which shall generally advise the Director on water quality objectives for each basin, work in a cooperative manner with the Director to achieve these objectives, and provide general coordination of the water quality programs of all public agencies pertinent to each basin. Each basin advisory group named by the Director shall reflect a balanced representation of the interests in the basin and shall, where appropriate, include representatives from each of the following: agriculture, mining, nonmunicipal point source discharge permittees, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, and environmental interests. (3-20-97)

**076. Beneficial Use.** Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (8-24-94)

**087. Best Management Practice.** A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the cost-effective and practicable means of preventing or reducing the amount of pollution

generated by nonpoint sources to a level compatible with water quality goals. (3-20-97)

**098. Bioaccumulation.** The process by which a compound is taken up by, and accumulated in the tissues of an aquatic organism from the environment, both from water and through food. (8-24-94)

**109. Biological Monitoring or Biomonitoring.** The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods. (8-24-94)

**140. Board.** The Idaho Board of Environmental Quality. (7-1-93)

**121. Chronic.** ~~Involving a~~ A stimulus that *lingers* persists or continues for a *relatively* long period of time, ~~often one-tenth (.01) of relative to the life span or more of an organism. Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality.~~ In aquatic toxicity tests, chronic refers to continuous exposure to a concentration of a toxic substance or effluent which results in mortality, injury, reduced growth, impaired reproduction, or other adverse effect to aquatic organisms. The test duration is long enough that sub-lethal effects can be reliably measured. When referring to human health, a chronic effect is usually measured in terms of estimated changes in rates (# of cases/ 1000 persons) of illness over a lifetime of exposure. (8-24-94)(\_\_\_\_)

**132. Chronic Criteria.** Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity ~~resulting from~~ due to exposure to the toxic substance or effluent. Chronic criteria ~~will~~ are expected to adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. ~~The terms "chronic criteria" and "criterion continuous concentration" (CCC) are equivalent. This is also known as the Criterion Continuous Concentration (CCC). Human health chronic criteria are based on lifetime exposure.~~ (3-15-02)(\_\_\_\_)

**143. Chronic Toxicity.** ~~The existence of mortality, injury, reduced growth, impaired reproduction, or any other adverse effect on aquatic organisms resulting from a long term (i.e., one-tenth (0.1) or more of the organism's life span) exposure to a substance. As applied to toxicity tests, chronic toxicity refers to the response of aquatic organisms to a concentration of a toxic substance or effluent which results in an IC-25. Daily Maximum (Minimum).~~ The highest (lowest) value measured during one (1) calendar day or a twenty-four (24) hour period, as appropriate. For ambient monitoring of dissolved oxygen, pH, and temperature, multiple measurements should be obtained at intervals short enough that the difference between consecutive measurements around the daily maximum (minimum) is less than zero point two (0.2) ppm for dissolved oxygen, zero point one (0.1) SU for pH, or zero point five (0.5) degree C for temperature. (8-24-94)(\_\_\_\_)

**154. Compliance Schedule or Schedule Of Compliance.** A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (8-24-94)

**16. Criterion Continuous Concentration (CCC).** ~~Unless otherwise specified in these rules, the four (4) day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity resulting from exposure to the toxic substance or effluent. The CCC will adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms "criterion continuous concentration" and "chronic criteria" are equivalent.~~ (3-15-02)

**17. Criterion Maximum Concentration (CMC).** ~~Unless otherwise specified in these rules, the maximum instantaneous or one (1) hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity resulting from exposure to the toxic substance or effluent. The CMC will adequately protect the designated aquatic life use if not exceeded more than once every three (3) years. The terms "criterion maximum concentration" and "acute criteria" are equivalent.~~ (3-15-02)

**185. Daily Mean.** The average of at least two (2) appropriately spaced measurements, acceptable to the department, calculated over a period of one (1) day: (3-20-97)



**a.** Confidence bounds around the point estimate of the mean may be required to determine the sample size necessary to calculate a daily mean; (8-24-94)

**b.** If any measurement is greater or less than five-tenths (0.5) times the average, additional measurements over the one-day period may be needed to obtain a more representative average; (3-20-97)

**c.** In calculating the daily mean for dissolved oxygen, values used in the calculation shall not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean. (8-24-94)

**d.** For ambient monitoring of temperature, the daily mean should be calculated from equally spaced measurements, at intervals such that the difference between any two (2) consecutive measurements does not exceed one point zero (1.0) degree C. ( )

**196. Deleterious Material.** Any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (8-24-94)

**2017. Department.** The Idaho Department of Environmental Quality. (7-1-93)

**218. Design Flow.** The critical flow used for steady-state wasteload allocation modeling. (8-24-94)

**2219. Designated Agency.** The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the Department's division of environmental quality for all other activities. (3-20-97)

**230. Designated Beneficial Use or Designated Use.** Those beneficial uses assigned to identified waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards and Wastewater Treatment Requirements," Sections 110 through 160, whether or not the uses are being attained. (4-5-00)

**241. Desirable Species.** Species indigenous to the area or those introduced species identified as desirable by the Idaho Department of Fish and Game. (3-15-02)

**252. Director.** The Director of the Idaho Department of Environmental Quality or his authorized agent. (7-1-93)

**263. Discharge.** When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. (8-24-94)

**274. Dissolved Oxygen (DO).** The measure of the amount of oxygen dissolved in the water, usually expressed in mg/l. (7-1-93)

**285. Dissolved Product.** Petroleum product constituents found in solution with water. (8-24-94)

**296. Dynamic Model.** A computer simulation model that uses real or derived time series data to predict a time series of observed or derived receiving water concentrations. Dynamic modeling methods include continuous simulation, Monte Carlo simulations, lognormal probability modeling, or other similar statistical or deterministic techniques. (8-24-94)

**3027. E. coli (Escherichia coli).** A common fecal and intestinal organism of the coliform group of bacteria found in warm-blooded animals. (4-5-00)

**3128. Effluent.** Any wastewater discharged from a treatment facility. (7-1-93)

**329. Effluent Biomonitoring.** The measurement of the biological effects of effluents (e.g., toxicity,

biostimulation, bioaccumulation, etc.). (8-24-94)

**330. EPA.** The United States Environmental Protection Agency. (7-1-93)

**341. Ephemeral Waters.** A stream, reach, or water body that flows naturally only in direct response to precipitation in the immediate watershed and whose channel is at all times above the water table. Such channels are generally characterized by an absence of water dependent plants, indistinct banks, and the inability to support benthic aquatic animal communities even seasonally. (4-11-06)(\_\_\_\_)

**352. Existing Beneficial Use Or Existing Use.** Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards". (4-11-06)

**363. Facility.** As used in Section 850 only, any building, structure, installation, equipment, pipe or pipeline, well pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, area, place or property from which an unauthorized release of hazardous materials has occurred. (8-24-94)

**374. Four Day Average.** ~~The mean of the twenty-four (24) hour average values calculated over average of all measurements within~~ a period of ninety-six (96) consecutive hours. While a minimum of one (1) measurement per each twenty-four (24) hours is preferred, for toxic chemicals in Section 210, any number of data points is acceptable. (3-20-97)(\_\_\_\_)

**385. Free Product.** A petroleum product that is present as a nonaqueous phase liquid. Free product includes the presence of petroleum greater than one-tenth (0.1) inch as measured on the water surface for surface water or the water table for ground water. (7-1-93)

**396. Full Protection, Full Support, or Full Maintenance of Designated Beneficial Uses of Water.** Compliance with those levels of water quality criteria listed in Sections 200, 210, 250, 251, 252, 253, and 275 (if applicable) or where no major biological group such as fish, macroinvertebrates, or algae has been modified by human activities significantly beyond the natural range of the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. (3-15-02)

**4037. Geometric Mean.** The geometric mean of "n" quantities is the "nth" root of the product of the quantities. (7-1-93)

**4138. Ground Water.** ~~Subsurface water comprising the zone of saturation.~~ Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (8-24-94)(\_\_\_\_)

**4239. Harmonic Mean Flow.** The number of daily flow measurements divided by the sum of the reciprocals of the flows (i.e., the reciprocal of the mean of reciprocals). (8-24-94)

**430. Hazardous Material.** A material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated. (7-1-93)

**441. Hydrologic Unit Code (HUC).** A unique eight (8) digit number identifying a subbasin. A subbasin is a United States Geological Survey cataloging unit comprised of water body units. (4-5-00)

**452. Hydrologically-Based Design Flow.** A statistically derived receiving water design flow based on the selection and identification of an extreme value (e.g., 1Q10, 7Q10). The underlying assumption is that the design flow will occur X number of times in Y years, and limits the number of years in which one or more excursions below the design flow can occur. (8-24-94)

**463. Hypolimnion.** The ~~deepest zone~~ bottom layer in a thermally-stratified body of water. It is fairly uniform in temperature and ~~lies~~ lays beneath a zone of water which exhibits a rapid temperature drop with depth ~~of at least one (1) degree C per meter~~ such that mixing with overlying water is inhibited. (3-20-97)(\_\_\_\_)

**474. Inter-Departmental Coordination.** Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (7-1-93)

**485. Intermittent Waters.** A stream, reach, or water body which naturally has a period of zero (0) flow for at least one (1) week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based unregulated flow of less than one-tenth (0.1) cubic feet per second (cfs) is considered intermittent. Streams with natural perennial pools containing significant aquatic life uses are not intermittent. (4-11-06)

**496. LC-50.** The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific time of observation (e.g., ninety-six (96) hours). (3-20-97)

**507. Load Allocation (LA).** The portion of a receiving water's loading capacity that is attributed either to one (1) of its existing or future nonpoint sources of pollution or to natural background sources. (8-24-94)

**518. Loading Capacity.** The greatest amount of pollutant loading that a water can receive without violating water quality standards. (8-24-94)

**529. Lower Water Quality.** A measurable and adverse anthropogenic change in a chemical, physical, or biological parameter of water relevant to a beneficial use, and which can be expressed numerically. Measurable change ~~is~~ may be determined by a statistically significant difference ~~between sample means~~ using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five percent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices. (3-20-97)(\_\_\_\_)

**530. Lowest Observed Effect Concentration (LOEC).** The lowest concentration of a toxicant ~~substance~~ substance or an effluent that results in observable adverse effects in the aquatic test population. (8-24-94)(\_\_\_\_)

**541. Man-Made Waterways.** Canals, flumes, ditches, wasteways, drains, laterals, and/or similar associated features, constructed for the purpose of water conveyance. This may include channels modified for such purposes prior to November 28, 1975. These waterways may have uniform and rectangular cross-sections, straight channels, follow rather than cross topographic contours, be lined to reduce water loss, and be operated or maintained to promote water conveyance. (7-1-93)(\_\_\_\_)

**552. Maximum Weekly Maximum Temperature (MWMT).** The weekly maximum temperature (WMT) is the mean of daily maximum temperatures measured over a consecutive seven (7) day period ending on the day of calculation. When used seasonally, e.g., spawning periods, the first applicable WMT occurs on the seventh day into the time period. The MWMT is the single highest WMT that occurs during a given year or other period of interest, e.g., a spawning period. (3-15-02)(\_\_\_\_)

**563. Milligrams Per Liter (mg/l).** Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (7-1-93)

**574. Mixing Zone.** A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (7-1-93)

**585. National Pollutant Discharge Elimination System (NPDES).** Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (8-24-94)

**596. Natural Background Conditions.** No ~~measurable change in~~ lowering of water quality from the physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. Natural disturbances including, but not limited to, wildfire, mineralogy, diseased vegetation, or

flow extremes that affect the physical, chemical, and biological integrity of the water are part of natural background conditions. Natural background conditions inherently vary with time and place and therefore are not usually the best possible condition. Natural background conditions should be described and evaluated in this context.~~(3-15-02)~~( )

**6057. Nephelometric Turbidity Units (NTU).** A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

**6158. Nonpoint Source Activities.** Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: (3-20-97)

- a. Irrigated and nonirrigated lands used for: (7-1-93)
  - i. Grazing; (7-1-93)
  - ii. Crop production; (7-1-93)
  - iii. Silviculture; (7-1-93)
- b. Log storage or rafting; (7-1-93)
- c. Construction sites; (7-1-93)
- d. Recreation sites; (3-20-97)
- e. Septic tank disposal fields. (8-24-94)
- f. Mining; (3-20-97)
- g. Runoff from storms or other weather related events; and (3-20-97)
- h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (3-20-97)

**6259. Nuisance.** Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)

**630. Nutrients.** The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (7-1-93)

**641. One Day Minimum.** The lowest daily instantaneous value measured. (3-20-97)

**652. One Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of one (1) hour. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. (3-20-97)

**663. Operator.** For purposes of Sections 851 and 852, any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the petroleum storage tank (PST) system. (4-2-03)

**674. Outstanding Resource Water (ORW).** A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state

resource that requires protection from point and nonpoint source activities that may lower water quality. (3-20-97)

**685. Outstanding Resource Water Mixing Zone.** An area or volume of an ORW where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)

**696. Owner.** For purposes of Sections 851 and 852, any person who owns or owned a petroleum storage tank (PST) system any time during a release and the current owner of the property where the PST system is or was located. (4-2-03)

**707. Person.** An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (3-20-97)

**718. Petroleum Products.** Products derived from petroleum through various refining processes. (7-1-93)

**729. Petroleum Storage Tank (PST) System.** Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

**730. Point Source.** Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

**741. Pollutant.** Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (3-20-97)

**752. Project Plans.** Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

**763. Public Swimming Beaches.** Areas indicated by features such as signs, swimming docks, diving boards, slides, or the like, boater exclusion zones, map legends, collection of a fee for beach use, or any other unambiguous invitation to public swimming. Privately owned swimming docks or the like which are not open to the general public are not included in this definition. (4-11-06)

**774. Receiving Waters.** Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

**785. Reference Stream or Condition.** A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate

hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (3-20-97)

**796. Release.** Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

**807. Resident Species.** Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

a. Are usually present at the site; (8-24-94)

b. Are present only seasonally due to migration; (8-24-94)

c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)

d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (8-24-94)

e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

**878. Responsible Persons in Charge.** Any person who: (8-24-94)

a. By any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (8-24-94)

b. Owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (8-24-94)

c. Presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

**79. Sediment. Undissolved inorganic matter.** ( )

**820. Seven Day Mean.** The average of the daily mean values calculated over a period of seven (7) consecutive days. (3-20-97)

**831. Sewage.** The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

**842. Short-Term or Temporary Activity.** An activity which is as short as possible but lasts for no more than one (1) year, is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (3-20-97)( )

**853. Silviculture.** Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (3-20-97)

**864. Sludge.** The semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater. (7-1-93)

**875. Special Resource Water.** Those specific segments or bodies of water which are recognized as needing intensive protection: (7-1-93)

- a. To preserve outstanding or unique characteristics; or (7-1-93)
- b. To maintain current beneficial use. (7-1-93)

**886. Specialized Best Management Practices.** Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)

**897. State.** The state of Idaho. (7-1-93)

**9088. State Water Quality Management Plan.** The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (3-20-97)

**9489. Suspended Sediment.** ~~Organic and~~ The undissolved inorganic ~~particulate~~ fraction of matter which has been removed from its site of origin and measured while suspended in surface water. (7-1-93)( )

**90. Suspended Solids.** The undissolved organic and inorganic matter suspended in surface water. ( )

**921. Technology-Based Effluent Limitation.** Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)

**932. Total Maximum Daily Load (TMDL).** The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)

**943. Toxicity Test.** A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)

**954. Toxic Substance.** Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)

**965. Treatment.** A process or activity conducted for the purpose of removing pollutants from wastewater. (7-1-93)

**976. Treatment System.** Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. A treatment system may also be known as a treatment facility. (4-11-06)

**987. Twenty-Four Hour Average.** The mean of at least two (2) appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three (3) or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. (3-20-97)

**998. Unique Ecological Significance.** The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (8-24-94)

**1009. Wasteload Allocation (WLA).** The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

**1010. Wastewater.** Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

**1021. Water Body Unit.** Includes all named and unnamed tributaries within a drainage and is considered a single unit unless designated otherwise. (4-5-00)

**1032. Water Pollution.** Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

**1043. Water Quality-Based Effluent Limitation.** An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

**1054. Water Quality Limited Water Body.** After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (3-20-97)

**1065. Waters And Waters Of The State.** All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

**1076. Watershed.** The land area from which water flows into a stream or other body of water which drains the area. (3-20-97)

**1087. Watershed Advisory Group.** An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it. (3-20-97)

**1098. Whole-Effluent Toxicity.** The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

**1409. Zone of Initial Dilution (ZID).** An area within a Department authorized mixing zone where acute criteria may be exceeded. This area should be as small as practicable and assure that drifting organisms are not exposed to acute concentrations for more than one (1) hour more than once in three (3) years. The actual size of the ZID will be determined by the Department for a discharge on a case-by-case basis, taking into consideration mixing zone modeling and associated size recommendations and any other pertinent chemical, physical, and biological data available. (4-11-06)



(BREAK IN CONTINUITY OF SECTIONS)

**053. BENEFICIAL USE SUPPORT STATUS.**

In determining whether a water body fully supports designated and existing beneficial uses, the Department shall determine whether all of the applicable water quality standards are being achieved, including any criteria developed pursuant to these rules, and whether a healthy, balanced biological community is present. The Department shall utilize biological and aquatic habitat parameters listed below and in the current version of the "Water Body Assessment Guidance", as published by the Idaho Department of Environmental Quality, as a guide to assist in the assessment of beneficial use status. Revisions to this guidance will be made after notice and an opportunity for public comment. These parameters are not to be considered or treated as individual water quality criteria or otherwise interpreted or applied as water quality standards. The Department shall employ a weight of evidence approach in evaluating a combination of water quality data types (including, but not limited to, aquatic habitat and biological parameters), when such a combination of data are available, in making its final use support determination.

(4-5-00)( )

**01. Aquatic Habitat Parameters.** These parameters may include, but are not limited to, stream width, stream depth, stream shade, measurements of sediment impacts, bank stability, water flows, and other physical characteristics of the stream that affect habitat for fish, macroinvertebrates or other aquatic life; ~~and~~.

(3-20-97)( )

**02. Biological Parameters.** These parameters may include, but are not limited to, evaluation of aquatic macroinvertebrates including Ephemeroptera, Plecoptera and Trichoptera (EPT), Hilsenhoff Biotic Index, measures of functional feeding groups, and the variety and number of fish or other aquatic life to determine biological community diversity and functionality.

(3-20-97)

**03. Use of Data Regarding pH, Turbidity, Dissolved Oxygen, and Temperature.** In making use support determinations, the Department may give less weight to departures from criteria in Section 250 for pH, turbidity, dissolved oxygen, and temperature that are infrequent, brief, and small if aquatic habitat and biological data indicate to the assessor that aquatic life beneficial uses are otherwise supported. Unless otherwise determined by the Department, "infrequent" means less than ten percent (10%) of valid, applicable, representative measurements when continuous data are available; "brief" means two (2) hours or less; and "small" means conditions that avoid acute effects. Subsection 053.03 only applies to use of this data for determination of beneficial use support status. Subsection 053.03 does not apply to or affect the application of criteria for any other regulatory purpose including, but not limited to, determining whether a particular discharge or activity violates water quality standards. ( )

**034. Natural Conditions.** There is no impairment of beneficial uses or violation of water quality standards where natural background conditions exceed any applicable water quality criteria as determined by the Department, and such natural background conditions shall not, alone, be the basis for placing a water body on the list of water quality limited water bodies described in Section 054.

(3-15-02)

**05. Rigor, Quality and Relevance of Data.** In making any use support determination, the Department shall consider the scientific rigor associated with the collection of samples or data (e.g., the scientific methods used to collect samples or data); the quality of measurements and/or analysis of the samples (e.g., methodology, instrumentation, accuracy, precision, and limits of detection where applicable); and the relevance of the data (e.g., the relationship to a water quality standard, beneficial use or cause of impairment, and how representative the samples or data are of the water body in question). ( )

(BREAK IN CONTINUITY OF SECTIONS)

**100. SURFACE WATER USE DESIGNATIONS.**

Waterbodies are designated in Idaho to protect water quality for existing or designated uses. The designated use of a waterbody does not imply any rights to access or ability to conduct any activity related to the use designation, nor does it imply that an activity is safe. For example, a designation of primary or secondary contact recreation may occur in areas where it is unsafe to enter the water due to water flows, depth or other hazardous conditions. Another example is that aquatic life uses may be designated in areas that are closed to fishing or access is not allowed by

property owners. Wherever attainable, the designated beneficial uses for which the surface waters of the state are to be protected include: (3-15-02)

**01. Aquatic Life.** (7-1-93)

**a.** Cold water (COLD): water quality appropriate for the protection and maintenance of a viable aquatic life community for cold water species. (4-5-00)

**b.** Salmonid spawning (SS): waters which provide or could provide a habitat for active self-propagating populations of salmonid fishes. (~~7-1-93~~)(      )

**c.** Seasonal cold water (SC): water quality appropriate for the protection and maintenance of a viable aquatic life community of cool and cold water species, where cold water aquatic life may be absent during, or tolerant of, seasonally warm temperatures. (4-5-00)

**d.** Warm water (WARM): water quality appropriate for the protection and maintenance of a viable aquatic life community for warm water species. (4-5-00)

**e.** Modified (MOD): water quality appropriate for an aquatic life community that is limited due to one (1) or more conditions set forth in 40 CFR 131.10(g) which preclude attainment of reference streams or conditions. (4-5-00)

**02. Recreation.** (7-1-93)

**a.** Primary contact recreation (PCR): water quality appropriate for prolonged and intimate contact by humans or for recreational activities when the ingestion of small quantities of water is likely to occur. Such activities include, but are not restricted to, those used for swimming, water skiing, or skin diving. (4-5-00)

**b.** Secondary contact recreation (SCR): water quality appropriate for recreational uses on or about the water and which are not included in the primary contact category. These activities may include fishing, boating, wading, infrequent swimming, and other activities where ingestion of raw water is not likely to occur. (4-5-00)

**03. Water Supply.** (7-1-93)

**a.** Domestic: water quality appropriate for drinking water supplies. (4-5-00)

**b.** Agricultural: water quality appropriate for the irrigation of crops or as drinking water for livestock. This use applies to all surface waters of the state. (4-5-00)

**c.** Industrial: water quality appropriate for industrial water supplies. This use applies to all surface waters of the state. (4-5-00)

**04. Wildlife Habitats.** Water quality appropriate for wildlife habitats. This use applies to all surface waters of the state. (4-5-00)

**05. Aesthetics.** This use applies to all surface waters of the state. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**250. SURFACE WATER QUALITY CRITERIA FOR AQUATIC LIFE USE DESIGNATIONS.**

**01. General Criteria.** The following criteria apply to all aquatic life use designations. Surface waters are not to vary from the following characteristics due to human activities: (3-15-02)

a. Hydrogen Ion Concentration (pH) values within the range of six point five (6.5) to nine point zero (9.0); (3-30-01)

b. The total concentration of dissolved gas not exceeding one hundred and ten percent (110%) of saturation at atmospheric pressure at the point of sample collection; (7-1-93)

**02. Cold Water.** Waters designated for cold water aquatic life are not to vary from the following characteristics due to human activities: (3-15-02)

a. Dissolved Oxygen Concentrations exceeding six (6) mg/l at all times. In lakes and reservoirs this standard does not apply to: (7-1-93)

i. The bottom twenty percent (20%) of water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less. (7-1-93)

ii. The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters. (7-1-93)

iii. Those waters of the hypolimnion in stratified lakes and reservoirs. (7-1-93)

b. Water temperatures of twenty-two (22) degrees C or less with a maximum daily average of no greater than nineteen (19) degrees C. (8-24-94)

c. Temperature in lakes shall have no measurable change from natural background conditions. Reservoirs with mean detention times of greater than fifteen (15) days are considered lakes for this purpose. (3-15-02)

d. Ammonia. The following criteria are not to be exceeded dependent upon the temperature, T (degrees C), and pH of the water body: (3-15-02)

i. Acute Criterion (Criterion Maximum Concentration (CMC)). The one (1) hour average concentration of total ammonia nitrogen (in mg N/L) is not to exceed, more than once every three (3) years, the value calculated using the following equation:

$$CMC = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}} \quad (3-15-02)$$

ii. Chronic Criterion (Criterion Continuous Concentration (CCC)). (3-15-02)

(1) The thirty (30) day average concentration of total ammonia nitrogen (in mg N/L) is not to exceed, more than once every three (3) years, the value calculated using the following equations: (3-15-02)

(a) When fish early life stages are likely present:

$$CCC = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \bullet MIN(2.85, 1.45 \cdot 10^{0.028(25 - T)}) \quad (3-15-02)$$

(b) When fish early life stages are likely absent:

$$CCC = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) \bullet 1.45 \cdot 10^{0.028(25 - T)}$$

(3-15-02)

(2) The highest four-day (4) average within the thirty-day (30) period should not exceed two point five (2.5) times the CCC. (3-15-02)

(3) Because the Department presumes that many waters in the state may have both spring-spawning and fall-spawning species of fish present, early life stages of fish may be present throughout much of the year. Accordingly, the Department will apply the CCC for when fish early life stages are present at all times of the year unless: (3-15-02)

(a) Time frames during the year are identified when early life stages are unlikely to be present, and (3-15-02)

(b) The Department is provided all readily available information supporting this finding such as the fish species distributions, spawning periods, nursery periods, and the duration of early life stages found in the water body; and (3-15-02)

(c) The Department determines early life stages are likely absent. (3-15-02)

e. Turbidity, below any applicable mixing zone set by the Department, shall not exceed background turbidity by more than fifty (50) NTU instantaneously or more than twenty-five (25) NTU for more than ten (10) consecutive days. (8-24-94)

f. ~~Salmonid Spawning. The Department shall determine spawning periods on a waterbody specific basis taking into account knowledge of local fisheries biologists, published literature, records of the Idaho Department of Fish and Game, and other appropriate records of spawning and incubation, as further described in the current version of the "Water Body Assessment Guidance" published by the Idaho Department of Environmental Quality. Waters designated for salmonid spawning, in areas used for spawning and during the time spawning and incubation occurs, are not to exhibit vary from the following characteristics during the spawning period and incubation for the particular species inhabiting those waters due to human activities:~~ (7-1-93)(\_\_\_\_)

i. Dissolved Oxygen. (8-24-94)

(1) Intergravel Dissolved Oxygen. (8-24-94)

(a) One (1) day minimum of not less than five point zero (5.0) mg/l. (8-24-94)

(b) Seven (7) day average mean of not less than six point zero (6.0) mg/l. (8-24-94)

(2) Water-Column Dissolved Oxygen. (8-24-94)

(a) One (1) day minimum of not less than six point zero (6.0) mg/l or ninety percent (90%) of saturation, whichever is greater. (8-24-94)

ii. Water temperatures of thirteen (13) degrees C or less with a maximum daily average no greater than nine (9) degrees C. (8-24-94)

g. Bull Trout Temperature Criteria. Water temperatures for the waters identified under Subsection 250.02.g.i. shall not exceed thirteen degrees Celsius (13C) maximum weekly maximum temperature (MWMT) during June, July and August for juvenile bull trout rearing, and nine degrees Celsius (9C) daily average during September and October for bull trout spawning. For the purposes of measuring these criteria, the values shall be generated from a recording device with a minimum of six (6) evenly spaced measurements in a twenty-four (24) hour period. The MWMT is the mean of daily maximum water temperatures measured over the annual warmest consecutive seven (7) day period occurring during a given year. (3-30-01)

i. The bull trout temperature criteria shall apply to all tributary waters, not including fifth order main stem rivers, located within areas above fourteen hundred (1400) meters elevation south of the Salmon River basin-

Clearwater River basin divide, and above six hundred (600) meters elevation north of the Salmon River basin-Clearwater River basin divide, in the fifty-nine (59) Key Watersheds listed in Table 6, Appendix F of Governor Batt's State of Idaho Bull Trout Conservation Plan, 1996, or as designated under Sections 110 through 160 of this rule.

(3-23-98)

ii. No thermal discharges will be permitted to the waters described under Subsection 250.02.g.i. unless socially and economically justified as determined by the Department, and then only if the resultant increase in stream temperature is less than five-tenths degrees Celsius (0.5C).

(4-5-00)

h. Kootenai River sturgeon temperature criteria. Water temperatures within the Kootenai River from Bonners Ferry to Shorty's Island, shall not exceed a seven (7) day moving average of fourteen degrees celsius (14C) based on daily average water temperatures, during May 1 through July 1.

(3-23-98)

**03. Seasonal Cold Water.** Between the summer solstice and autumn equinox, waters designated for seasonal cold water aquatic life are not to vary from the following characteristics due to human activities. For the period from autumn equinox to summer solstice the cold water criteria will apply:

(3-15-02)

a. Dissolved Oxygen Concentrations exceeding six (6) mg/l at all times. In lakes and reservoirs this standard does not apply to:

(4-5-00)

i. The bottom twenty percent (20%) of water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less.

(4-5-00)

ii. The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters.

(4-5-00)

iii. Those waters of the hypolimnion in stratified lakes and reservoirs.

(4-5-00)

b. Water temperatures of twenty-six (26) degrees C or less as a daily maximum with a daily average of no greater than twenty-three (23) degrees C.

(3-30-01)

c. Temperature in lakes shall have no measurable change from natural background conditions. Reservoirs with mean detention times of greater than fifteen (15) days are considered lakes for this purpose.

(3-15-02)

d. Ammonia. Concentration of ammonia are not to exceed the criteria defined at Subsection 250.02.d.

(3-15-02)

**04. Warm Water.** Waters designated for warm water aquatic life are not to exhibit vary from the following characteristics due to human activities: ~~(4-5-00)~~( )

a. Dissolved oxygen concentrations exceeding five (5) mg/l at all times. In lakes and reservoirs this standard does not apply to:

(7-1-93)

i. The bottom twenty percent (20%) of the water depth in natural lakes and reservoirs where depths are thirty-five (35) meters or less.

(7-1-93)

ii. The bottom seven (7) meters of water depth in natural lakes and reservoirs where depths are greater than thirty-five (35) meters.

(7-1-93)

iii. Those waters of the hypolimnion in stratified lakes and reservoirs.

(7-1-93)

b. Water temperatures of thirty-three (33) degrees C or less with a maximum daily average not greater than twenty-nine (29) degrees C.

(8-24-94)

c. Temperature in lakes shall have no measurable change from natural background conditions. Reservoirs with mean detention times of greater than fifteen (15) days are considered lakes for this purpose.

(3-15-02)

**d.** Ammonia. The following criteria are to be met dependent upon the temperature, T (degrees C), and pH of the water body: (3-15-02)

i. Acute Criterion (Criterion Maximum Concentration (CMC)). The one (1) hour average concentration of total ammonia nitrogen (in mg N/L) is not to exceed, more than once every three (3) years, the value calculated using the following equation:

$$CMC = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$$

(3-15-02)

ii. Chronic Criterion (Criterion Continuous Concentration (CCC)). Concentrations of ammonia are not to exceed the criteria defined at Subsection 250.02.d.ii. (3-15-02)

**05. Modified.** Water quality criteria for modified aquatic life will be determined on a case-by-case basis reflecting the chemical, physical, and biological levels necessary to attain the existing aquatic life community. These criteria, when determined, will be adopted into these rules. (3-15-02)

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### 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 08 - STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0027**

**08-0202-0602, Rules Governing Uniformity.** Change would allow lower division coursework from out-of-state, accredited colleges/universities to be accepted for the general education requirements for the following Idaho certificates: Standard Elementary Certificate, Standard Secondary Certificate, Early Childhood/Early Childhood Special Education Blended Certificate, and Exceptional Child Certificate. Comment by: 6/28/06.

**08-0202-0603, Rules Governing Uniformity.** Incorporates by reference the April 2006 version of the Idaho Standards for the Initial Certification of Professional School Personnel. Comment by: 6/28/06.

**08-0202-0604, Rules Governing Uniformity.** Revises the Idaho endorsement requirements for teachers of early childhood/early childhood special education, bilingual education/English as a New Language, physical education, health, and physical education-health; and standards for the preparation of administrators, including superintendents, principals, and special education directors. Comment by: 6/28/06.

**08-0203-0602, Rules Governing Thoroughness.** Removes from rule the Content Standards tables (these include standards, content knowledge and skills for students) and puts them into a manual called "Idaho Content Standards". The "Idaho Content Standards" have been reorganized, revised, and reviewed to meet the intent of the No Child Left Behind Act and the manual is being incorporated by reference into the rule. Comment by: 6/28/06.

**08-0401-0601, Rules Governing the Idaho Digital Learning Academy.** New chapter provides the requirements for the governance and administration of the IDL Academy's Board of Directors. Comment By: 6/28/06.

#### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, ID 83720-0036**

**16-0309-0602, Rules Governing the Medical Assistance Program.** (Temporary and Proposed Rule) Changes in the federal requirements for the Medicaid Program correspond to the implementation of Medicare's "Part D" prescription drug coverage and allow Idaho to provide "wrap around" drug coverage and transportation assistance to those who are not "dual eligibles" to avoid loss of service. Comment by: 6/28/06.

#### **IDAPA 21 - DIVISION OF VETERANS SERVICES 320 Collins Rd., Boise ID 83702**

**21-0106-0601, Rules for the Enforcement of the Veteran's Preference in Public Employment.** (Temporary and Proposed Rule) New chapter provides a mechanism for enforcing a veteran's preference in public employment. Comment by: 6/28/06.

#### **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, ID 83706-1255**

**58-0101-0502, Rules for the Control of Air Pollution in Idaho.** Requires dairy farms above the specified threshold numbers of cows or animal units to implement industry best management practices to control ammonia emissions through a permit by rule. Comment by: 7/7/06.

**58-0102-0505, Water Quality Standards.** Allows consideration of frequency of exceedance of numeric criteria for certain water quality parameters (pH, turbidity, DO, and temperature) in assessing achievement of water quality objectives and support of beneficial uses; revises several definitions to improve clarity and utility and makes other miscellaneous corrections. Comment by: 7/7/06.

***Temporary Rules Have Been Adopted in the Following Rulemakings:***

***Department of Health and Welfare***

**16-0309-0602**, Rules Governing the Medical Assistance Program

***Division of Veterans Services***

**21-0106-0601**, Rules for the Enforcement of the Veteran's Preference in Public Employment.

***Idaho State Tax Commission***

**35-0103-0601**, Property Tax Administrative Rules

***Negotiated Rulemaking Meetings Are Being Held on the Following Dockets:  
(See June Bulletin for dates, times, and locations)***

***Department of Health and Welfare***

**16-0305-0603 and 16-0305-0604**, Rules Governing Eligibility for Aid to the Age, Blind and Disabled

**16-0506-0601**, Rules Governing Mandatory Criminal History Checks

**16-0606-0601**, Family Support and In-Home Assistance

***Department of Insurance***

**18-0106-0601**, Coverage for Newborns

***Department of Water Resources***

**37-0309-0601**, Well Construction Standards Rules

Please refer to the Idaho Administrative Bulletin, **June 7, 2006, Volume 06-6** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

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**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

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**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.**

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