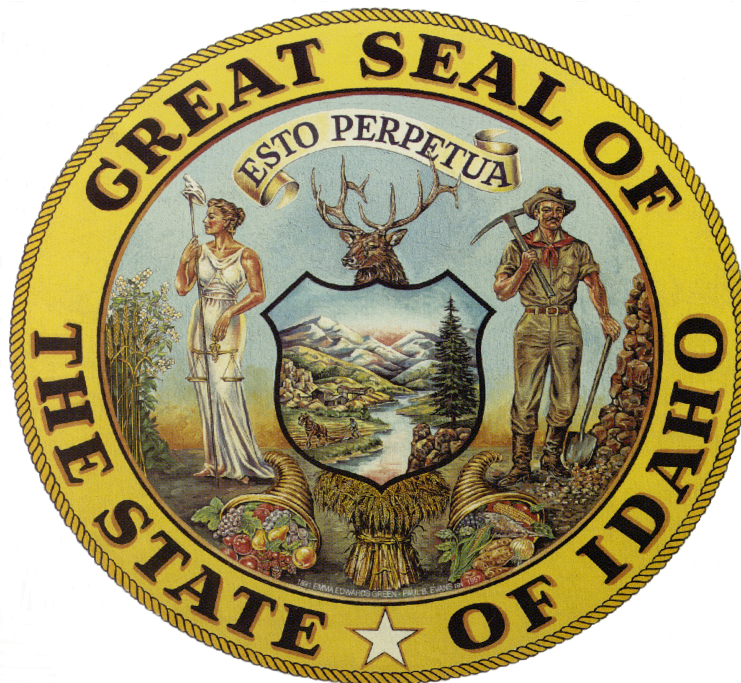


IDAHO ADMINISTRATIVE BULLETIN

January 4, 2023 – Vol. 23-1

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

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IDAHO ADMINISTRATIVE BULLETIN

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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. 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 must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. 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 rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. 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 Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. 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 one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

4. 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 becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending 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.

5. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

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 schematic. 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 sections 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 that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.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.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administration’s Division of Purchasing

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

“**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. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1901”

“**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**).

“**1901**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

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)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2022

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
22-1	January 2022	November 15, 2022	*November 29, 2021	January 5, 2022	January 26, 2022
22-2	February 2022	December 23, 2022	January 7, 2022	February 2, 2022	February 23, 2022
22-3	March 2022	January 28, 2022	February 11, 2022	March 2, 2022	March 23, 2022
22-4	April 2022	February 25, 2022	March 11, 2022	April 6, 2022	April 27, 2022
22-5	May 2022	March 25, 2022	April 8, 2022	May 4, 2022	May 25, 2022
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22-10	October 2022	August 19, 2022	**September 2, 2022	October 5, 2022	October 26, 2022
22-11	November 2022	September 23, 2022	October 7, 2022	November 2, 2022	November 23, 2022
22-12	December 2022	October 28, 2022	November 10, 2022	December 7, 2022	December 28, 2022

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23-3	March 2023	January 27, 2023	February 10, 2023	March 1, 2023	March 22, 2023
23-4	April 2023	February 24, 2023	March 10, 2023	April 5, 2023	April 26, 2023
23-5	May 2023	March 24, 2023	April 7, 2023	May 3, 2023	May 24, 2023
23-6	June 2023	April 21, 2023	May 5, 2023	June 7, 2023	June 28, 2023
23-7	July 2023	May 26, 2023	June 9, 2023	July 5, 2023	July 26, 2023
23-8	August 2023	June 23, 2023	July 7, 2023	August 2, 2023	August 23, 2023
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23-10	October 2023	August 18, 2023	**September 1, 2023	October 4, 2023	October 25, 2023
23-11	November 2023	September 22, 2023	October 6, 2023	November 1, 2023	November 22, 2023
23-12	December 2023	October 27, 2023	November 9, 2023	December 6, 2023	December 27, 2023

***Last day to submit a proposed rulemaking before moratorium begins AND last day to submit a pending rule to be reviewed by upcoming legislature.**

****Last day to submit a proposed rule to remain on course for rulemaking to be completed and submitted for review by upcoming legislature.**

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2022-06

BANNING TIKTOK ON STATE DEVICES

WHEREAS, maintaining the safety and security of Idaho 's state government and its information systems is crucial to providing the necessary services to Idaho citizens; and

WHEREAS, TikTok is a social media entity owned by the Chinese company ByteDance, which has ties to the Chinese Communist Party, and has more than 135 million users in the United States; and

WHEREAS, the Director of the FBI recently warned that the Chinese government can control TikTok 's content algorithm, allowing it to perpetrate influence operations within the United States; and

WHEREAS, the use of TikTok on federal-government devices has already been prohibited by the U.S. Department of State, the Department of Defense, and the Department of Homeland Security; and

WHEREAS, the use of this application on Idaho state devices presents a clear security risk to state government on any state-issued device; and

NOW, THEREFORE, I Brad Little, the duly elected and sworn Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of the State of Idaho including, but not limited to, Idaho Code § 67-802, do hereby proclaim and declare as follows:

- 1. No executive agency, board, commission, or other executive branch entity, official, or employee of the State of Idaho shall download or use the TikTok application or visit the TikTok website on devices owned or issued by the state, including cell phones, laptops, tablets, or any device capable of internet connectivity.*
- 2. No person or entity, or agents thereof, who contracts with any executive department, agency, board, commission, or other executive branch entity, shall download or use the TikTok application or visit the TikTok website on state-owned or state-leased devices or equipment.*
- 3. If the TikTok application is on any device to which this order applies, it must be immediately removed.*
- 4. The Office of Information Technology Services shall take all necessary steps to block TikTok from being accessed on devices to which this order applies and on state networks or systems.*
- 5. This order does not and shall not be construed to prohibit using any website or application for bona fide investigatory or law enforcement purposes.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 14th day of December in the year of our Lord two thousand and twenty-two.

BRAD LITTLE
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

IDAPA 02 – IDAHO STATE DEPARTMENT OF AGRICULTURE
02.04.25 – RULES GOVERNING PRIVATE FEEDING OF BIG GAME ANIMALS
DOCKET NO. 02-0425-2201 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-207A, Idaho Code.

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

The Idaho Department of Fish and Game (IDFG) facilitated a Zero-Based Rulemaking (ZBR) re-write of IDAPA 13.01.18, “Rules Governing Feeding of Wild Cervids” (Docket No. 13-0118-2201). IDFG and the Idaho State Department of Agriculture (ISDA) have evaluated the potential to consolidate regulation of private feeding of wild cervids under IDFG’s authority in this rule chapter, such that ISDA Rules Governing Private Feeding of Big Game Animals, IDAPA 02.04.25, is proposed to be repealed.

This pending rule includes changes to integrate current IDFG and ISDA restrictions into a single rule chapter under IDFG’s authority to regulate the feeding of wildlife, to continue protection of the health of livestock, domestic cervids, domestic bison, and wildlife. For example, the proposed rule specifically identifies geographic areas identified in ISDA’s current rule to prevent brucellosis transmission between wildlife and livestock. IDFG proposes to change rule wording (previously “pronghorn, elk, and deer”) to distinguish “wild cervids” managed under IDFG authority from “domestic cervids” regulated under ISDA authority. The agency also proposes to present the statement of rule intent in the cover sheet published in the Administrative Code, instead of in the rule chapter itself as done currently. The rule also incorporates language related to the Commission’s management of Chronic Wasting Disease in wild cervids.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022 Idaho Administrative Bulletin, [Vol. 22-10, pages 30-31](#).

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:

There is no fiscal impact because of the repeal of this rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd Knight at lloyd.knight@isda.idaho.gov or (208)332-8664.

DATED this November 18, 2022.

Lloyd B. Knight, Rules Review Officer
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249

Boise, Idaho 83707
Phone: (208) 332-8664
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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 – ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 22-1103, Idaho Code.

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

These rules were open for negotiated rulemaking in 2021. The subject of fees was discussed at length with stakeholders during that rulemaking, and support was expressed to increase the fees for this voluntary program. In addition, the Organics Advisory Committee also expressed support for these new fees. All negotiated rules were published as Temporary Rules in 2022, but the agency did not want to publish the fee increase as a temporary rule without review by the Legislature. The rule and new fee structure was presented to the Idaho Legislature during the 2022 legislative session, and the rule was approved by joint resolution.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, Vol. 22-7, pages 67-70.

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

The fee is authorized under Section 22-1103, Idaho Code. It is necessary to maintain services to customers of this voluntary certification program.

301. GRADUATED GROSS SALES FEE SCHEDULE.

~~01. Graduated Gross Sales Fee Table~~—In addition to the fees prescribed above, all producers and handlers certified by the Department must remit with their certification application an amount based on their annual gross organic sales during the last calendar year, or in the case of a first-time applicant, a projected gross organic sale dollar amount for the upcoming calendar year, with a minimum fee of ~~ten~~ **thirty-five** dollars (~~\$1035~~). The graduated gross organic sales fee structure is as follows:

0-2,000	\$10
2,001-5,000	\$235
5,001 - 10,000	\$650
10,001 - 15,000	\$75100
15,001 - 20,000	\$1030
20,001 - 25,000	\$1265
25,001 - 30,000	\$1950
30,001 - 35,000	\$475230
35,001 - 50,000	\$3250
50,001 - 75,000	\$375490

75,001 - 100,000	\$6500
100,001 - 150,000	\$9750
150,001 - 200,000	\$1,0300
200,001 - 280,000	\$1,40820
280,001 - 375,000	\$1,8752,440
375,001 - 500,000	\$2,5003,250
500,001 and up	0.75% of gross organic sales up to \$5,0006,500

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:

This rule change will not have a negative impact on the general fund due to the program being operated by a fee for service dedicated fund. These fee changes are needed to provide the services requested by organic certifiers in a growing voluntary program and align with recommendations from industry to increase the graduate gross fee schedule fees by 30%, hour rate by 42%, and nominal fee increases to three other categories. Total potential impact to dedicated funds is a \$168,000 increase with 93% coming from the fee schedule and hour rate increase.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The sections of the rule which are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule is neither broader in scope nor more stringent than federal laws or regulations and does not regulate an activity not already regulated by the federal government. The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Lloyd Knight at lloyd.knight@isda.idaho.gov or (208)332-8664.

DATED this November 18, 2022.

Lloyd B. Knight
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IDAPA 08 – STATE BOARD OF EDUCATION

08.01.11 – REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, Idaho Code.

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

In accordance with [Executive Order 2020-01](#), this rulemaking proposes amendments based on review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Amendments include combining duplicative language that applies to postsecondary degree granting institutions and proprietary schools into a single section. Any provisions duplicative of statutory language will also be removed.

Amendments between the proposed and pending rules stages include one technical correction to fix sentence structure, removing duplicative language from two definitions, and moving the Western Governors University from the Proprietary School Registration exemption list to the Postsecondary Institution Registration exemption list. As a degree granting institution, Western Governors University belongs in the Postsecondary Institution Registration section of rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 39-50](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nicholas Wagner at nick.wagner@osbe.idaho.gov or (208) 488-7886.

DATED this 16th day of November, 2022.

Nicholas Wagner
Administrative Rules Coordinator
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650 W State St.
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Boise, Idaho 83720-0037
Phone: (208) 488-7586
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DOCKET NO. 08-0111-2201 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 39 through 50.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 08-0111-2201
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

010. DEFINITIONS.

01. Nonprofit. Means an entity that is recognized under the Internal Revenue Code and applicable regulations as being tax exempt, or an entity such as a nonprofit or not-for-profit organization that possesses the following characteristics that distinguish it from a business enterprise: (a) contribution of significant amounts of resources from resource providers who do not expect commensurate or proportionate pecuniary return, (b) operating purposes other than to provide goods or services at a profit, and (c) absence of ownership interests like those of business enterprises. ()

02. Postsecondary Educational Institution. Sometimes referred to in this rule simply as an institution, is defined in Section 33-240*1*, Idaho Code. ()

03. Proprietary School. Sometimes referred to in this rule simply as a school, is defined in Section 33-2401, Idaho Code. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Registration Requirement. ()

a. A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. ()

b. There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. ()

02. Idaho Presence. ()

a. Idaho presence shall include medical/osteopathic education clinical instruction occurring in the state of Idaho as part of a course of study leading to a degree pursuant to a formal multi-year arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction where eleven (11) or more students of the institution are physically present simultaneously at a single field site. ()

b. Idaho presence shall not include: ()

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; ()

ii. Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; ()

iii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or ()

iv. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. ()

03. Institutions Exempt from Registration. ()

a. Provided that they remain lawfully organized in the state of Idaho with their principal place of business in Idaho, and remain accredited by an accreditation organization recognized by the Board, the following private, nonprofit, postsecondary educational institutions that were established and operational as of the date when this rule first went into effect, are exempt from registration: Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College, *and Western Governors University*. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. ()

b. Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. ()

04. Institutions That Must Register. Unless exempt under Subsection 200.03 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. ()

05. Information Required. ()

a. An application must include all the information requested on the application form, as well as the following information: ()

i. Copy of most recent accreditation letter showing the period of approval; ()

ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; ()

iii. Enrollment data for current and past two (2) years; ()

iv. Copy of annual audited financial statement, or other financial instrument as established by the executive director; ()

v. Any additional information that the Board may request. ()

vi. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. ()

b. The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 101 of this rule, shall remain applicable. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Registration Requirement. ()

a. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issuance of a certificate of registration and continue through June 30 of the next succeeding year. ()

b. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. ()

02. Idaho Presence. ()

a. Idaho presence shall not include: ()

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 101 of this rule; ()

ii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or ()

iii. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. ()

[proposed Subsection 300.03 has been omitted]

03. Application Information Required. In addition to providing the information requested on the application form, a school must attest by signature of the primary official that it is in compliance with Standards I through V set forth in Section 301 of this rule and must provide verification of compliance with Standards I through V set forth in Section 301 of this rule upon request. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee shall remain applicable. ()

IDAPA 08 – STATE BOARD OF EDUCATION
08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM
DOCKET NO. 08-0113-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, and 33-4303, Idaho Code.

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

In accordance with [Executive Order 2020-01](#), this rulemaking will amend the chapter based on an evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will be removed.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, page\(s\) 51-56](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tracie Bent at tracie.bent@osbe.idaho.gov or (208)332-1582.

DATED this 16th day of November 2022.

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IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, 33-1006, 33-1201 and 33-1612, Idaho Code.

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

In accordance with [Executive Order 2020-01](#), proposed amendments are based on a review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language are removed. Additional amendments include amendments that streamline and clarify the certification requirements for certificated staff in our public schools and provide clarification to certification and endorsement requirements due to legislative changes made during the 2022 Legislative Session; and amendments to transportation reimbursement requirements for alternative fuel buses and extending the maximum mileage allowed for trips outside of the state of Idaho. Additional technical corrections identified as part of the negotiated rulemaking process may be made.

Amendments between the proposed and pending rules stages include technical corrections to fix sentence structure, removal of duplicative language, and language restructuring for rule clarification.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, page\(s\) 57-75](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nicholas Wagner at nick.wagner@osbe.idaho.gov or (208) 488-7886.

DATED this 16th day of November 2022.

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DOCKET NO. 08-0202-2201 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 57 through 75.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

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

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0202-2201

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

015. IDAHO EDUCATOR CREDENTIAL.

All standard educator certificates are valid for five (5) years and are renewable, subject to the applicable renewal requirements set by the state board of education and any applicable conditions applied to an individual's certificate by the professional standards commission. (3-15-22)

01. Standard Instructional Certificate. A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree or higher from an accredited college or university and who meets the following requirements or successfully completes an interim certificate requirements: (3-15-22)(=)

a. Minimum Credit Hours. Earned a minimum of twenty (20) semester credit hours in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter of education, which shall include demonstration of competencies as specified in the Idaho comprehensive literacy plan; and (3-15-22)

b. Student Teaching. Complete a minimum of ten (10) undergraduate or six (6) graduate semester credit hours, of student teaching; and (3-15-22)

c. Complete a state board approved educator preparation program and receive an institutional recommendation from the program specifying the grade ranges and subjects for which the applicant is eligible to receive an endorsement ~~in~~; (3-15-22)(=)

i. To receive endorsement in two (2) fields of teaching, preparation must consist of completion of at least thirty (30) semester credit hours in one (1) field of teaching, and completion of at least twenty (20) semester credit hours in a second field of teaching. (3-15-22)

ii. To receive endorsement in (1) field of teaching, preparation must consist of completion of at least forty-five (45) semester credit hours in a single subject area; (3-15-22)

d. Meet or exceed ~~ed~~ the state qualifying score on the state board approved content area and pedagogy assessments. (3-15-22)()

02. Standard Pupil Service Staff Certificate. Persons who serve as school counselors, school psychologists, school social workers, and school nurses are required to hold the Standard Pupil Service Staff Certificate, with the respective endorsement(s) for which they qualify. Persons who serve as a speech-language pathologist, school audiologist, occupational therapist, or physical therapist may be required, as determined by the local educational agency, to hold ~~the~~ a Standard Pupil Service Staff Certificate with respective endorsements for which they qualify. (3-15-22)()

a. School Counselor Endorsement. To be eligible for a School Counselor endorsement, a candidate must have satisfied the following requirements. (3-15-22)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling, including sixty (60) semester credits, from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-15-22)

ii. An institutional recommendation is required for a School Counselor endorsement. (3-15-22)

b. School Counselor – Basic Endorsement. (3-15-22)

i. Individuals serving as a school counselor pursuant to Section 33-1212, Idaho Code, shall be granted a School Counselor – Basic endorsement. The endorsement is valid for five (5) years or until such time as the holder no longer meets the eligibility requirements pursuant to Section 33-1212, Idaho Code. (3-15-22)

ii. Individuals who received their endorsement pursuant to Section 33-1212, Idaho Code, prior to July 1, 2018, will be transitioned into the School Counselor – Basic endorsement. Renewal date will remain the same as the initial credential. (3-15-22)

c. School Psychologist Endorsement. The renewal credit requirement may be waived if the applicant holds a current and valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for a school psychologist endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-15-22)

i. Completion of an approved thirty (30) semester credit hour master's degree in education or psychology and completion of an approved thirty (30) semester credit hour School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-15-22)

ii. Completion of an approved sixty (60) semester credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-15-22)

iii. Completion of an approved sixty (60) semester credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the

training institution and direct supervision of a certificated school psychologist; and (3-15-22)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-15-22)

d. Interim Certificate – School Psychologist Endorsement. This certificate will be issued to those who do not meet the educational requirements but hold a master’s degree or higher in psychology and are working toward a standard pupil service staff certificate with school psychologist endorsement. This certificate will be issued for three (3) years while the applicant is meeting the educational requirements or obtaining the applicable experience leading to certification. If the educational requirements cannot be met within the three (3)-year time frame of the certificate, the employing LEA may request one (1)-time renewal of this interim certificate for the applicant. (3-15-22)

e. School Nurse Endorsement. To be eligible for a school nurse endorsement, a candidate must complete one (1) of the following options: (3-15-22)

i. Possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-15-22)

ii. Possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing; have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any other area of pediatric, adolescent, or family nursing experience. (3-15-22)

f. Interim Certificate - School Nurse Endorsement. This certificate will be issued to those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. This non-renewable certificate will be issued for three (3) years while the applicant is meeting the educational or experience requirements. (3-15-22)

g. Speech-Language Pathologist Endorsement. To be eligible for a speech-language pathologist endorsement, a candidate must possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education. The renewal credit requirement may be waived if the applicant holds a current and valid Certificate of Clinical Competence in Speech-Language Pathology offered through the American Speech-Language-Hearing Association and/or a current and valid speech-language pathologist license issued by the appropriate Idaho state licensing board. (3-15-22)

h. Interim Certificate - Speech-Language Pathologist Endorsement. This certificate will be issued to those who do not meet the educational requirements but hold a baccalaureate degree in speech-language pathology and are pursuing a master’s degree. This certificate will be issued for three (3) years while the applicant is meeting the educational requirements. If the educational requirements cannot be met within the three (3)-year timeframe of the certificate, the employing LEA may request one (1)-time renewal of this interim certificate for the applicant if the applicant holds a valid occupational license or is supervised by a speech-language pathologist with a standard pupil service certificate. (3-15-22)

i. Audiology Endorsement. To be eligible for an audiology endorsement, a candidate must possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education. The renewal credit requirement may be waived if the applicant holds a current and valid Certificate of Clinical Competence in Audiology offered through the American Speech-Language-Hearing Association and/or a current and valid audiologist license issued by the appropriate Idaho state licensing board. (3-15-22)

j. School Social Worker Endorsement. To be eligible for a school social worker endorsement, a candidate must meet the following requirements: (3-15-22)

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-15-22)

ii. An institutional recommendation from a state board approved program; and (3-15-22)

iii. The successful completion of a school social work practicum in a preschool through grade twelve 12 (Pre-K-12) setting. Post-LMSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a Pre-K-12 setting; and (3-15-22)

iv. A current and valid social work license pursuant to chapter 32, title 54, Idaho Code, and the rules of the State Board of Social Work Examiners. (3-15-22)

k. Occupational Therapist Endorsement. To be eligible for an occupational therapist endorsement, a candidate must have a current and valid occupational therapy license issued by the Occupational Therapy Licensure Board of Idaho. The candidate must maintain current and valid occupational therapy licensure for the endorsement to remain valid. (3-15-22)

l. Physical Therapist Endorsement. To be eligible for a physical therapist endorsement a candidate must have a current and valid physical therapy license issued by the Idaho Physical Therapy Licensure Board. The candidate must maintain current and valid physical therapy licensure for the endorsement to remain valid. (3-15-22)

03. Standard Administrator Certificate. Persons who serve as superintendent, director of special education, secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or are assigned to conduct the summative evaluation of certified staff are required to hold an Administrator Certificate. The certificate may be endorsed for service as school principal, superintendent, or director of special education. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the School Principal endorsement. Directors of special education are required to hold the Director of Special Education endorsement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. (3-15-22)

a. School Principal Endorsement. To be eligible for the School Principal endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold a master's degree from an accredited college or university. (3-15-22)

ii. Have four (4) years of full-time certificated experience working with students, while under contract in an accredited school setting. (3-15-22)

iii. Complete an administrative internship in a state-approved program, or have one (1) year of experience as an administrator. (3-15-22)

iv. Provide verification of completion of a state-approved program of at least thirty (30) semester 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 demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and competencies in the Idaho Standards for School Principals. (3-15-22)

v. Receive an institutional recommendation for a School Principal endorsement. (3-15-22)

b. Superintendent Endorsement. To be eligible for the Superintendent endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-15-22)

ii. Have four (4) years of full-time certificated/licensed experience working with students while under contract in an accredited school setting. (3-15-22)

iii. Complete an administrative internship in a state board approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent. (3-15-22)

iv. Provide verification of completion of an approved program of at least thirty (30) semester 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 must include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho standards for superintendents and the Idaho Standards for School Principals. (3-15-22)

v. Receive an institutional recommendation for a Superintendent endorsement. (3-15-22)

c. Director of Special Education Endorsement. To be eligible for the Director of Special Education endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold a master's degree from an accredited college or university; (3-15-22)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-15-22)

iii. Provide verification of a state board approved program of graduate study of school administration for the preparation of directors of special education at an accredited college or university. This program shall include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho Standards for Directors of Special Education and the Idaho Standards for School Principals. Coursework shall include knowledge and competence in understanding the Individuals with Disabilities Education Act, utilizing the Idaho Special Education Manual, special education funding and fiscal accountability, results-driven leadership and accountability in special education, and instructional, behavioral, and management strategies for supporting students in the least restrictive environment. (3-15-22)

iv. Have completed an administrative internship in the area of administration of special education; and (3-15-22)

v. An institutional recommendation is required for Director of Special Education endorsement. (3-15-22)

04. Career Technical Certification Requirements. Teachers of career technical courses or programs in secondary schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. All occupational certificates must be approved by the Division of Career Technical Education regardless of the route an individual is pursuing to receive the certificate. (3-15-22)

a. Standard Degree Based Career Technical Certificate. Persons who hold a degree based career technical certificate are eligible to teach in a career technical area, subject to the grade range(s) and subject area(s) of the valid endorsement(s) attached to the certificate. All degree based career technical certificates require candidates to meet the Idaho Core Teaching Standards. The degree based career technical certificate is valid for five years. A degree based career technical certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and meets the following requirements: (3-15-22)

i. Earned a minimum of twenty (20) semester credit hours in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter of education, which shall include demonstration of competencies as specified in the Idaho Comprehensive Literacy Plan; (3-15-22)

ii. Earned a minimum of twelve (12) semester credit hours in career technical education foundation coursework to include principles and philosophies of career technical education, evaluation and assessment in career technical education, leadership and career technical student organization leadership, career guidance and transition, occupational analysis and curriculum development, and lab safety; (3-15-22)

iii. Accumulated one thousand (1,000) clock hours of related industry experience, or practicum as approved by the higher education institution, in the respective field of specialization; (3-15-22)

iv. Completed a total of at least ten (10) undergraduate semester credit hours or six (6) graduate semester credit hours of student teaching: (3-15-22)

v. Completed a state board approved educator preparation program and received an institutional recommendation specifying the grade ranges and subjects for which the person is eligible to receive an endorsement; (3-15-22)

(1) To receive endorsement in two (2) fields of teaching, preparation must consist of at least thirty (30) semester credit hours in one (1) field of teaching and completion of at least twenty (20) semester credit hours in a second field of teaching. (3-15-22)

(2) To receive endorsement in one (1) field of teaching, preparation must consist of completion of at least forty-five (45) semester credit hours in a single subject area. (3-15-22)

vi. Met or exceeded the state qualifying score on the state board-approved content area and pedagogy assessments. (3-15-22)

vii. ~~Six (6) semester credit hours are required every five (5) years to renew.~~ The renewal credits required in Section 060 may be waived if the applicant holds a current, valid certificate from the National Board for Professional Teaching Standards at the time of renewal. Credits must be earned during the validity period of the certificate. (3-15-22)()

b. Career Technical Education Program Administrator Certificate. The career technical education program administrator certificate is required for an individual serving as an administrator, director, or manager of career technical education programs in Idaho public schools. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the career technical education program administrator certificate. The certificate is valid for five (5) years. ~~Six (6) semester credit hours are required every five (5) years~~ and must meet the renewal requirements pursuant to Section 060 of these rules to renew. (3-15-22)()

(1). Qualify for or hold an advanced occupational specialist certificate or hold an occupational endorsement on a degree based career technical certificate; provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical education discipline; hold a master's degree; and complete at least fifteen (15) semester credits of administrative course work to include required credits in. education finance, administration and supervision of personnel, and legal aspects of education. Remaining coursework may be selected from: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-15-22)

(2) Hold a superintendent or principal endorsement on a standard administrator certificate and provide evidence of either a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline; or successfully completion the of a Division of Career Technical Education ~~twenty-seven (27) month Idaho~~ career technical education leadership institute; or completion of course work including credits in: principles and foundations of career technical education, career technical student organizations, occupational analysis, curriculum design, one or more externships with career technical education industry advisor partners totaling 100 hours, and ongoing participation in technical advisory committee meetings associated with the school's career technical education programs. (3-15-22)()

c. Industry-Based Occupational Specialist Certificate. Persons who hold an occupational specialist career technical certificate are eligible to teach in a career technical program pathway(s), subject to the grade range(s) and pathway areas(s) of the valid endorsement(s) attached to the certificate. All occupational specialist career technical certificates require candidates to meet the core teaching standards of the Idaho Standards for Initial Certification of Professional School Personnel. An occupational specialist career technical certificate may be issued to an experienced industry expert entering the teaching profession and meeting the following eligibility requirements:

(3-15-22)

i. Possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined qualified under any one (1) of the following three (3) options: (3-15-22)

(1) Have three (3) years or six thousand (6,000) hours of recent, gainful employment in the occupation for which certification is requested, at least half of which must have been during the immediate previous five (5) years; or (3-15-22)

(2) Have a baccalaureate degree in the specific occupation or related area, plus one (1) year or two thousand (2,000) hours of recent, gainful employment in the occupation for which certification is requested, at least half of which must have been during the immediate previous five (5) years; or (3-15-22)

(3) Hold or have held an industry certification in a field closely related to the content area in which the individual seeks to teach as approved by the Division of Career Technical Education. (3-15-22)

i. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in Subsection 015.06.a. of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate: (3-15-22)

(1) Pathway I - Coursework: Within the three-year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the Division of Career Technical Education and demonstrate competencies in principles/foundations of occupational education and methods of teaching occupational education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: career pathways and guidance; analysis, integration, and curriculum development; and measurement and evaluation. (3-15-22)

(2) Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the Division of Career Technical Education sponsored education pedagogy training and complete all requirements within the three-year validity period of the interim certificate. (3-15-22)

ii. Standard Occupational Specialist Certificate. (3-15-22)

(1) This certificate is issued to individuals who have held a limited occupational specialist certificate and completed one (1) of the pathways for renewable certification. (3-15-22)

(2) The Standard Occupational Specialist Certificate is valid for five (5) years. ~~Six (6) semester credit hours are required every five (5) years~~ and must meet the renewal requirements pursuant to Section 060 of these rules to renew. Credit equivalency will be based on verification of forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof. ~~(3-15-22)~~ ()

iii. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who are eligible for the Standard Occupational Specialist Certificate; and provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of Division of Career Technical Education approved education or content-related course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits. The Advanced Occupational Specialist Certificate is valid for five (5) years. ~~Six (6) semester credit hours are required every five (5) years~~ and must meet the renewal requirements pursuant to Section 060 of these rules to renew. ~~(3-15-22)~~ ()

05. Postsecondary Specialist Certificate. A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate is for distance education, virtual classroom programs, and public and postsecondary partnerships. (3-15-22)

a. To renew this certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-15-22)

b. The candidate must meet the following qualifications: (3-15-22)

i. Hold a baccalaureate degree or higher in the content area being taught; (3-15-22)

ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-15-22)

iii. Complete and pass a criminal history background check as required by Section 33-130, Idaho Code. (3-15-22)

06. American Indian Tribal Language Certificate. The five (5) federally recognized tribes of Idaho shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach tribal language(s) in accordance with Section 33-1280, Idaho Code. To be eligible for an American Indian Tribal Languages certificate an applicant designated to teach tribal language(s) shall submit a complete application. If approved the certificate shall be issued for five years and is renewable. (3-15-22)

07. Junior Reserved Officer Training Corps (Junior ROTC) Instructors. (3-15-22)

a. To be eligible for a Junior ROTC Instructor certificate, an applicant shall submit a complete application and provide a copy of their certificate(s) or letter of completion of an armed forces Junior ROTC training program. (3-15-22)

b. If approved the certificate shall be issued for five years and is renewable. (3-15-22)

08. Additional Renewal Requirements. In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-15-22)

a. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved educator preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-15-22)

i. Understanding professional practice in Idaho evaluation requirements, including gathering accurate evidence and artifacts, understanding and using the state framework for evaluation rubric with fidelity, proof of calibration and interrater reliability, ability to provide effective feedback for teacher growth, and understanding and advising teachers on individualized learning plan and portfolio development. (3-15-22)

ii. Understanding student achievement and growth in the Idaho evaluation framework, including understanding how measurable student achievement and growth measures impact summative evaluation ratings and proficiency in assessment literacy. (3-15-22)

016. IDAHO INTERIM CERTIFICATE.

A three (3) year interim certificate may be issued to applicants who hold a valid certificate or license from another state or other entity that participates in the National Association of State Directors of Teacher Education and

Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or who are engaged in or completed a non-traditional route or alternative authorization to ~~teacher~~ certification as prescribed herein. An interim certificate gives the holder the same rights and responsibilities as an individual with a standard certificate.

(3-15-22)()

01. Interim Certificate Not Renewable. Interim certification is only available on a one (1) time basis except under extenuating circumstances approved by the State Department of Education or Division of Career Technical Education. An applicant must meet the requirements of the applicable alternate authorization route or non-traditional route to obtain a standard Idaho Educator Credential during the term of the interim certificate. (3-15-22)

02. Non-Traditional Route to Teacher Certification. An individual may acquire interim certification through a state board approved non-traditional route to teacher certification program. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. (3-15-22)

a. Individuals who possess a baccalaureate degree or higher from an institution of higher education accredited by an entity recognized by the state board of education may receive an interim instructional certificate. To receive the interim certificate, the individual must: (3-15-22)

i. Complete or enroll in a state board approved program; and (3-15-22)

ii. Pass the state board approved pedagogy and content area assessment. (3-15-22)

b. Standard certification. Upon completion of the non-traditional route the applicant must complete a two (2) year state board approved teacher mentoring program and receive two (2) years of ~~successful~~ Idaho evaluations pursuant to Section 33-1001, Idaho Code with a summative rating of proficient or better. (3-15-22)()

03. Idaho Comprehensive Literacy Course. All Idaho teachers working on an interim certificate (alternate authorizations, nontraditional routes, reinstatement, or coming from out of state), must complete a state board approved Idaho Comprehensive Literacy course or assessment as a one-time requirement for standard instructional certificate. (3-15-22)

04. Teaching For Mathematical Thinking. All Idaho teachers or administrators ~~working on~~ with an interim certificate~~s~~ (alternate authorizations, nontraditional routes, reinstatements or coming from out of state), with an All Subjects (K-8) endorsement, any mathematics endorsement, Exceptional Child Education endorsement, Blended Early Childhood/Early Childhood Special Education endorsement, or Administrator certificate must complete the state board approved Teaching for Mathematical Thinking, course, as a one-time requirement for full certification. (3-15-22)()

05. Reinstatement of Expired Certificate. An individual holding an expired Idaho certificate may be issued an interim certificate. During the validity period of the interim certificate, the applicant must meet the following requirements to obtain standard certification during the term of the interim certificate: (3-15-22)

a. Two (2) years of ~~successful~~ Idaho evaluations as per Section 33-1001, Idaho Code, as applicable to the type of certification, with a summative rating of proficient or better; (3-15-22)()

b. Measured annual progress on specific goals identified on the applicant's Individualized Professional Learning Plan; (3-15-22)

c. Completion of six (6) credit renewal requirement; and (3-15-22)()

d. Completion of the Idaho Comprehensive Literacy Course or Teaching for Mathematical Thinking as provided herein. (3-15-22)

e. Individuals holding an expired certificate that was in good standing at the time the certificate expired, may have the certificate reinstated within one (1) year of the time the certificate expired by completing any outstanding professional development requirements that were pending at the time the certificate expired. ()

06. **Codes of Ethics.** All laws and rules governing standard certificated staff with respect to conduct, discipline, and professional standards shall apply to all certified staff serving in an Idaho public school, including those employed under an interim certificate. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

021. ENDORSEMENTS.

Holders of an Instructional Certificate or Occupational Specialist Certificate must have one (1) or more endorsements attached to their certificate ~~and~~ as applicable to the type of certification. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho ~~educator~~ preparation programs shall prepare candidates for endorsements in accordance with ~~these certification requirements and~~ the ~~Idaho Standards for Initial Certification of Professional School Personnel approved by the board~~. An official statement from the college of education of competency in a content area or field is acceptable in lieu of required credits if such statements are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to ~~an existing~~ certificate, an individual ~~shall~~ ~~must~~ complete the credit hour requirements as established by the state board of education and meet or exceed the state qualifying score on a ~~state board~~ approved content, pedagogy ~~and or~~ performance assessments. (3-15-22) ()

01. **Clinical Experience Requirement.** All ~~standard~~ endorsements require supervised clinical experience in the relevant content area, or a State Department of Education or Division of Career Technical Education approved alternative clinical experience as applicable to the area of endorsement. (3-15-22) ()

02. **Alternative Authorization - Teacher to New Endorsement.** This alternative authorization allows a local education agency to request additional endorsement for a candidate. This authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress. ~~The candidate shall provide evidence of pursuing on~~ one (1) of the following options: (3-15-22) ()

a. Option I -- An official statement of competency in a teaching area or field from the college of education of an accredited college or university is acceptable in lieu of courses if the statement is created in consultation with the department or division in which the competency is established and is approved by the director of teacher education of the recommending college or university. (3-15-22)

b. Option II -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid instructional certificate. Successful completion of a one (1) year, state board approved mentoring program ~~is required to maintain the endorsement after the first year~~ ~~must be completed during the first year to maintain the endorsement~~. (3-15-22) ()

c. Option III -- Content area assessment and mentoring. A candidate may add an endorsement by successfully completing a state board-approved content areas assessment and a one-year, state board-approved mentoring program within the first year of authorization. (3-15-22)

~~d. For all candidates moving to an initial certification in a career technical education endorsement area, the candidate will be required to complete or have completed coursework in principles and foundations of career technical education and career technical student organizations, training in occupational analysis and curriculum design, and a minimum of two hundred (200) internship/externship hours in the career technical education endorsement area.~~ ()

03. **National Board Certification.** An applicant holding an instructional certificate and current national board certification may add an endorsement in a corresponding content-specific area. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

042. ALTERNATIVE AUTHORIZATION.

Alternative authorization allows a local education agency ~~with an area of need~~ to request certification for a candidate. This authorization grants an interim certificate that allows individuals to serve as the teacher of record while pursuing standard certification. Evidence of satisfactory progress toward standard certification must be provided each year. Individuals who hold a current instructional certificate may obtain additional endorsements through an alternative authorization ~~—teacher to new endorsement~~ as prescribed in Subsection 021 of these rules. (3-15-22)()

01. Alternative Authorization -- Teacher ~~To~~ New Certification. This alternative authorization allows a local education agency to request additional certification for a candidate who already holds a current ~~and valid~~ Idaho certificate ~~in good standing to add an additional type of certificate~~ in a new certification area. (3-15-22)()

a. Prior to application, the candidate must hold a baccalaureate degree or higher and a current and valid Idaho certificate. The local education agency must attest to the candidate's ability to fill the position. (3-15-22)

b. The candidate must participate in a state board- approved educator preparation program. (3-15-22)

i. The candidate will work toward completion of a state board-approved educator preparation program. The candidate must complete a minimum of nine (9) semester credits annually to maintain ~~continued~~ eligibility for ~~renewal~~ ~~the interim certificate~~; and (3-15-22)()

ii. The participating educator preparation program shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences ~~toward program completion requirements~~. (3-15-22)()

02. Alternative Authorization -- Content Specialist. This alternative authorization allows a local education agency to request an ~~instructional~~ ~~interim~~ certificate for an individual who possesses distinct content knowledge and skills to teach in a content area. (3-15-22)()

a. Initial Qualifications. (3-15-22)

i. A candidate must hold a baccalaureate degree or have completed all of the requirements of a baccalaureate degree except the student teaching portion; and (3-15-22)

ii. Prior to entering the classroom, the local education agency shall ensure the candidate is qualified to teach in the content area. The candidate shall meet or exceed the state qualifying score on the appropriate state board-approved content or pedagogy assessment, including demonstration of content knowledge through a combination of employment, experience, and education. (3-15-22)

b. State Board Approved Educator Preparation Program. (3-15-22)

i. Prior to authorization, a consortium comprised of a state board-approved educator preparation program representative, a local education agency representative, and the candidate shall determine the preparation needed and develop a plan to meet the Idaho Standards for Initial Certification of Professional School Personnel. The educator preparation program shall provide procedures to assess and credit: equivalent knowledge, dispositions, and relevant life or work experiences. The plan must include a state board-approved mentoring program. While teaching under the alternative authorization, the mentor shall provide a minimum of one (1) classroom observation per month, which will include feedback and reflection. The plan must include annual progress goals that must be met for ~~annual renewal~~ ~~continued eligibility~~; (3-15-22)()

ii. The candidate must complete a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required credits will be specified in the consortium developed plan; and (3-15-22)

iii. At the time of authorization the candidate must enroll in and work toward completion of the plan. The candidate must complete a minimum of nine (9) semester credits or equivalent annually to maintain eligibility for ~~renewal~~ the interim certificate. The candidate must complete the plan to ~~receive a certificate of completion~~ move to a standard instructional certificate. (3-15-22)()

~~c. Career Technical Education Industry-based Route Plan. Local education agencies with candidates seeking a limited occupational specialist certification may request approval, with an approved division of career technical education alternative authorization route plan, to meet the program of study requirements.~~ ()

03. Alternative Authorization - Pupil Service Staff. This alternative authorization allows a local education agency to request interim certification and endorsement for a candidate when a position requiring the Pupil Service Staff Certificate cannot be filled. (3-15-22)()

a. Initial Qualifications. The applicant must complete the following: (3-15-22)

i. Prior to application, a candidate must hold a baccalaureate degree or higher; and (3-15-22)

ii. The local education agency must attest to the ability of the candidate to fill the position. (3-15-22)

b. Educator Preparation Program. (3-15-22)

i. At the time of authorization the candidate must enroll in and work toward completion of a state board approved educator preparation program through a participating college ~~or~~ or university and the local education agency. The educator preparation program must include annual progress goals. (3-15-22)()

ii. The candidate must complete a minimum of nine (9) semester credits or equivalent annually to maintain eligibility for ~~renewal~~ the interim certificate. (3-15-22)()

iii. The participating educator preparation program will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-15-22)

iv. The candidate must meet all requirements for the endorsement/certificate as provided herein. (3-15-22)

~~04. Alternative Authorization Renewal. Annual continuation will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements.~~ (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

110. PERSONNEL STANDARDS.

The State Board of Education supports the efforts made by the Idaho Legislature to lower class size. ~~Significant progress has been made in grades one through three (1-3). The State Board of Education believes that class sizes in grades four through six (4-6) are too high.~~ Districts are encouraged to lower all class sizes as funds become available. Each district will develop personnel policies and procedures to implement the educational program of the district. The policies and procedures will address representation in each of the following personnel areas, as appropriate to student enrollment and the needs of each attendance area. Districts should strive to achieve ratios consistent with the following state class size ratio goals.

INSTRUCTIONAL PERSONNEL

TEACHERS	STATE GOALS
Kindergarten	20
Grades 1, 2, 3	20
Grades 4, 5, 6	26

TEACHERS	STATE GOALS
Middle School/Jr. High	160 teacher load
High School	160 teacher load
Alternative School (7-12)	18 average daily class load

Schools are encouraged to explore technological options that provide for credible alternative delivery systems. Present and emerging information transmission technology may provide for greater teacher/pupil class size ratios.

PUPIL PERSONNEL	
(Certificated School Counselors, Social Workers, Psychologists)	400 <u>250</u> :1 * student/district average
Secondary Media Generalist and Assistants	500:1 * student/district average
Elementary Media Generalist or Assistants	500:1 * student/district average
Building Administrative Personnel	Not to exceed 500:1 * district average

* The stated pupil to personnel ratio is the goal; each school district will assign personnel as appropriate to student enrollment and the needs of each attendance area.

Classroom Assistants - State Goal: will be provided where the student/teacher ratio is deemed excessive by the district or where other student special needs exist (e.g., limited English proficiency or special education).

Classified Personnel - State Goal: will be employed in each building to support the needs of the staff, students, and community. ~~(3-15-22)~~ ()

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-116, 33-118, and 33-1612, Idaho Code.

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

In accordance with [Executive Order 2020-01](#), this rulemaking is a result of a review of the chapter and evaluation of how it could be improved, simplified, and streamlined. Any provisions duplicative of statutory language have been removed. Additional proposed amendments remove the incorporated by reference assessment standards (cut scores) while retaining the requirement that they be set by the Board; adds computational thinking to the instructional requirements area for elementary and middle schools; update the graduation requirements to create more focus on financial literacy; updates the state and federal accountability framework to include chronic absenteeism as the school quality measure; restructures the accountability section; moves the parent and student survey to the general accountability section; provides additional clarification regarding student safety policies aligned with Idaho statute; and makes technical edits identified as part of the negotiated rulemaking process. Additional amendments update references to the English language arts, mathematics, and science content standards from the incorporated by section and replace it with a reference to the new statutory language for these standards; and update the physical education and health and social studies content standards incorporated by reference.

Amendments between the proposed and pending rules stages include a technical correction to fix language in “Achievement Standards” and “Advanced Opportunities” definitions. Removal of the computer science graduation requirement for students entering grade 9 in the fall of 2025 and expand the student health policies section. Amendments between the proposed and pending rules stages were made based on the public comments received.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 76-93](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nicholas Wagner at nick.wagner@osbe.idaho.gov or (208) 488-7886.

DATED this 16th day of November 2022.

Nicholas Wagner
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Idaho State Board of Education
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DOCKET NO. 08-0203-2201 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 76 through 93.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

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

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-2201

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

007. DEFINITIONS.

01. **Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and level one (1) through level six (6) on Idaho’s English language assessment by setting scale score cut points. These cut scores are *set by the state board of education and* paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called *performance achievement* level descriptors *or PLDs*, and are provided by *performance achievement* level, by content area, and by grade. (3-15-22)()

02. **Advanced Opportunities.** *Advanced P*lacement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. (3-15-22)()

03. **Advanced Placement® (AP) - College Board.** The Advanced Placement Program is administered by the College Board at <http://www.collegeboard.com>. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (3-15-22)

04. **All Students.** All public school students, grades K-12. (3-15-22)

05. **Assessment.** The process of quantifying, describing, or gathering information about skills, knowledge or performance. (3-15-22)

06. **Assessment Standards.** Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing.” (3-15-22)

07. **Career Pathway Plan.** The plan that outlines a student’s program of study, which should include a rigorous academic core and a related sequence of electives in academic, career technical education (CTE), or

humanities aligned with the student's post-graduation goals. (3-15-22)

08. Career Technical Education. Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (3-15-22)

09. College and Career Readiness. College and career readiness is the attainment and demonstration of state board adopted competencies that broadly prepare high school graduates for a successful transition into some form of postsecondary education and/or the workplace. (3-15-22)

10. Content Standards. Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. (3-15-22)

11. Criteria. Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (3-15-22)

12. Diploma. A document awarded to a student by a secondary school to show the student has successfully completed the state and local education agency graduation requirements. Diplomas may be awarded to individuals who attended a secondary school prior to the year in which the student is requesting issuance of a diploma based on the graduation requirements in existence at the time the student attended. Determination of meeting past graduation requirements may be determined based on proficiency as determined by the local education agency. Each local education agency may determine the format of the diploma, including the recognition of emphasis areas based on a student's completion of courses or courses or studies in an emphasis area or educational pathways, including but not limited to science, technology, engineering and math (STEM), career technical education, or arts and music. (3-15-22)

13. Dual Credit. Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student's permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (3-15-22)

14. Idaho Standards Achievement Tests. Statewide assessments aligned to the state content standards and used to measure a student's knowledge of the applicable content standards. (3-15-22)

15. International Baccalaureate (IB). Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (3-15-22)

16. Laboratory. A laboratory course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (3-15-22)

17. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. A portfolio typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (3-15-22)

18. Project Based Learning. A hands-on approach to learning that encourages students to create/interpret/communicate an original work or project and assesses quality and success of learning through performance/presentation/production of that work or project. (3-15-22)

19. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (3-15-22)

20. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (3-15-22)

21. Technical Competency Credit. Technical competency credit is a sequenced program of study that allows secondary students to document proficiency in the skills and abilities they develop in approved high school career technical programs to be evaluated for postsecondary transcription at a later date. Technical Competency Credits are awarded for skills and competencies identified as eligible through an agreement with at least one Idaho postsecondary institution. Eligible skills and competencies are included as part of a high school career technical program and approved by the postsecondary institution through the agreement in advance to student participation. Credits are granted by the postsecondary institution for which the agreement is with and are transcribed at the time the student enrolls at the postsecondary institution. (3-15-22)

22. Technology Education. A curriculum for elementary, middle, and senior high schools that integrates learning about technology (e.g., transportation, materials, communication, manufacturing, power and energy, and biotechnology) with problem-solving projects that require students to work in teams. Many technology education classrooms and laboratories are well equipped with computers, basic hand tools, simple robots, electronic devices, and other resources found in most communities today. (3-15-22)

23. Unique Student Identifier. A number issued and assigned by the Board or designee to each student currently enrolled or who will be enrolled in an Idaho local education agency to obtain data. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (3-15-22)

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.h. (3-15-22)

a. Credits. One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-15-22)

b. Mastery. Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local education agency (LEA.) (3-15-22)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-15-22)

d. Mathematics. Six (6) credits are required. Secondary mathematics includes Integrated Mathematics, Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and quantitative reasoning including mathematics taken through career technical education programs. Dual credit engineering courses and computer science courses aligned to the state standards for grades nine (9) through (12), including AP Computer Science and dual credit computer Science courses may also be counted as a mathematics

credit. Students who choose to take computer science and dual credit engineering courses may not concurrently count such courses as both a mathematics and science credit for the same course. (3-15-22)()

- i. Students must complete secondary mathematics in the following areas: (3-15-22)
 - (1) Two (2) credits of Algebra I, Algebra I level equivalent Integrated Mathematics or courses that meet the High School Algebra Content Standards; (3-15-22)
 - (2) Two (2) credits of Geometry, Geometry level equivalent Integrated Mathematics, or courses that meet the Idaho High School Geometry Content Standards; and (3-15-22)
 - (3) Two (2) credits of mathematics of the student’s choice. (3-15-22)
- e. Science. Six (6) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, life sciences, and computer science. (3-15-22)
 - i. Secondary sciences include instruction in the following areas: biology, computer science, physical science or chemistry, and earth, space, environment, or approved applied science. (3-15-22)
 - f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics and financial literacy (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-15-22)()
 - g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Interdisciplinary Humanities Content Standards. (3-15-22)
 - h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-15-22)
 - i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the Physical Education Content Standards in a format provided by the school district. (3-15-22)

[proposed Paragraph 105.01.j. has been omitted]

02. Content Standards. Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-15-22)

03. Senior Project. The senior project is a culminating project to show a student’s ability to analyze, synthesize, and evaluate information and communicate that knowledge and understanding. A student must complete a senior project by the end of grade twelve (12). Senior projects may be multi-year projects, group or individual projects, or approved pre-internship or school to work internship programs, at the discretion of the school district or charter school. The project must include elements of research, development of a thesis using experiential learning or integrated project based learning experiences and presentation of the project outcome. Additional requirements for a senior project are at the discretion of the local school district or LEA. Completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program may be used to meet this requirement. (3-15-22)

04. Civics and Government Proficiency. Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. (3-15-22)

05. Middle School. A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.06.a. through 105.06.c. of this rule are met. (3-15-22)

a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-15-22)

b. The course meets the same content standards that are required in high school for the same course; and (3-15-22)

c. The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-15-22)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course will be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.05.a. through 105.05.c. of this rule. (3-15-22)

06. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act may, with the assistance of the student's Individualized Education Program (IEP) team, meet the graduation requirements through to the current Idaho Special Education Manual specifications. (3-15-22)

07. Foreign Exchange Students. A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the LEA. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. The State Board of Education will provide oversight for all components of the comprehensive assessment program. (3-15-22)

02. Purposes. The purpose of assessment in the public schools is to: (3-15-22)

a. Measure and improve student achievement; (3-15-22)

b. Assist classroom teachers in designing lessons; (3-15-22)

c. Identify areas needing intervention and remediation, and acceleration; (3-15-22)

- d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-22)
- e.** Inform parents and guardians of their child’s progress; (3-15-22)
- f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-22)
- g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-22)
- h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-22)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam. (3-15-22)

04. Testing Population. All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (3-15-22)

a. All students who are eligible for special education shall participate in the statewide assessment program. (3-15-22)

b. Each student’s individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (3-15-22)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.05.g.iv., may receive designated supports or accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student’s Educational Learning Plan (ELP) team. The team shall outline the designated supports or accommodations, or both, in an ELP prior to the assessment administration. Designated supports or accommodations, or both, shall be familiar to the student during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take Idaho’s English language assessment in lieu of the English language ISAT, but will still be required to take the ISAT (Mathematics and Science). Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.05.e. However, such LEP students are not required to be counted for accountability purposes as described in Subsection 112.05.i. (3-15-22)

05. Scoring and Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (3-15-22)

a. All students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (3-15-22)

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (3-15-22)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is

outlined in Subsections 111.06.a. through 111.06.n. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (3-15-22)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

c. Grade 2 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

e. Grade 4 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

f. Grade 5 - Grade 5 Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. (3-15-22)

g. Grade 6 - Grade 6 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

h. Grade 7 - Grade 7 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

i. Grade 8 - National Assessment of Educational Progress; Grade 8 Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. (3-15-22)

j. Grade 9 - High School Idaho Standards Achievement Tests (optional at the discretion of the school district or charter school), Idaho Alternate Assessment, Idaho English Language Assessment. (3-15-22)

k. Grade 10 - High School Idaho Standards Achievement Tests (optional at the discretion of the school district or charter school), Idaho Alternate Assessment, Idaho English Language Assessment. ~~(3-15-22)~~()

l. Grade 11 - High School Idaho Standards Achievement Test in English language usage and mathematics, science, Idaho Alternate Assessment, Idaho English Language Assessment, and college entrance exam (optional at the discretion of the student's parent). ~~(3-15-22)~~()

m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment, and college entrance exam (optional at the discretion of the student's parent). ~~(3-15-22)~~()

07. Comprehensive Assessment Program Schedule. (3-15-22)

a. The Idaho Standards Achievement Tests will be administered in the Spring in a time period specified by the State Board of Education. (3-15-22)

b. The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (3-15-22)

c. Idaho's English Language Assessment will be administered in a time period specified by the State Board of Education. (3-15-22)

08. Achievement Standards. Assessment achievement standards, development standards, and performance level descriptors will be set by the State Board of Education in a schedule and format established by the Board and will be made available through the State Board of Education and Department of Education websites. Achievement standards, development standards, and performance level descriptors include, but are not limited to:

()

[proposed Paragraph 111.08.a. has been omitted]

a. The Idaho English Language Proficiency Assessment Achievement Standards. ()

b. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. ()

[proposed Paragraph 111.08.c. through Subparagraph 111.08.c.iii. have been omitted]

c. The Idaho Alternate Assessment Achievement Standards. ()

~~08~~**9.** **Costs Paid by the State.** Costs for the following testing activities will be paid by the state: (3-15-22)

a. All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-22)

b. Statewide distribution of all assessment materials; and (3-15-22)

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program. (3-15-22)

~~09~~**10.** **Costs of Additional Services.** Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-22)

~~10~~**1.** **Test Security, Validity and Reliability.** (3-15-22)

a. Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (3-15-22)

b. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (3-15-22)

~~11~~**2.** **Demographic Information.** Accurate demographic information must be submitted as required for each test to assist in interpreting test results. It may include but is not limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (3-15-22)

~~12~~**3.** **Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-22)

a. The Idaho Standards Achievement Tests (grades 3-8 and High School). (3-15-22)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where

- dual enrollment is desired. (3-15-22)
- i. Language Arts/Communications. (3-15-22)
 - ii. Math. (3-15-22)
 - iii. Science. (3-15-22)
 - iv. Social Studies. (3-15-22)
 - v. Health. (3-15-22)
 - vi. Humanities. (3-15-22)

112. ACCOUNTABILITY.

School district, charter district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement. The state accountability framework will be used to meet both state and federal school accountability requirements and will be broken up by school category and include measures of student academic achievement and school quality as determined by the State Board of Education. In addition to those measures identified in the state accountability framework, all school categories will administer an annual satisfaction and engagement survey to parents, students, and teachers. (3-15-22)()

01. School Category. (3-15-22)

- a. Kindergarten through grade eight (K-8): Schools in this category include elementary and middle schools as defined in Subsection 112.05.f. (3-15-22)
- b. High Schools, not designated as alternative high schools, as defined in Subsection 112.05.f. (3-15-22)
- c. Alternative High Schools. (3-15-22)

02. Academic Measures ~~by School Category.~~ (3-15-22)()

- a. K-8, High School, and Alternative High School: (3-15-22)()
 - i. Idaho Standards Achievement Tests (ISAT) Proficiency. (3-15-22)
 - ii. ISAT growth toward proficiency based on a trajectory model approved by the State Board of Education. At the high school and alternative high school level growth will be measured for students who remain in the testing cohort in both grade 8 and high school. (3-15-22)()
 - iii. ISAT proficiency gap closure. (3-15-22)
 - ~~iv. Idaho statewide reading assessment proficiency.~~ (3-15-22)
 - ~~iv.~~ English Learners achieving English language proficiency. (3-15-22)
 - ~~v.~~ English Learners achieving English language growth toward proficiency. (3-15-22)
- b. K-8 only:** ()
 - ~~i.~~ Idaho statewide reading assessment proficiency as applicable to the grades served. ()
 - ~~bc.~~ High School and Alternative High School specific: (3-15-22)()

- ~~i. ISAT proficiency. (3-15-22)~~
- ~~ii. ISAT proficiency gap closure. (3-15-22)~~
- ~~iii. English Learners achieving English language proficiency. (3-15-22)~~
- ~~iv. English Learners achieving English language growth toward proficiency. (3-15-22)~~
- ~~v.i. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)~~
- ~~v.ii. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)~~
- ~~e. Alternative High School: (3-15-22)~~
- ~~i. ISAT proficiency. (3-15-22)~~
- ~~ii. English learners achieving English language proficiency. (3-15-22)~~
- ~~iii. English learners achieving English language growth towards proficiency. (3-15-22)~~
- ~~iv. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)~~
- ~~v. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)~~
- 03. School Quality Measures by School Category. (3-15-22)**
- a. K-8, High School, and Alternative High School: (3-15-22)()**
- i. Communication with parents on student achievement ()**
- ii. Chronic absenteeism ()**
- b. K-8 Only ()**
- i. Students in grade 8 enrolled in pre-algebra or higher. (3-15-22)**
- ~~ii. Communication with parents on student achievement (effective starting in the 2018-2019 school year). (3-15-22)~~
- bc. High School and Alternative High School: (3-15-22)()**
- i. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. (3-15-22)**
- ii. Credit recovery and accumulation. ()**
- d. High School only: ()**
- i. Students in grade 9 enrolled in algebra I or higher. (3-15-22)**
- ~~iii. Communication with parents on student achievement (effective starting in the 2018-2019 school year). (3-15-22)~~

- ~~ee.~~ Alternative High School ~~only~~: (3-15-22)()
- ~~i.~~ ~~Credit recovery and accumulation.~~ (3-15-22)
- ~~ii.~~ ~~College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs.~~ (3-15-22)
- ~~iii.~~ State satisfaction and engagement survey administered to parents, students, and teachers ~~(effective starting in the 2018-2019 school year).~~ (3-15-22)()
- ~~iv.~~ ~~Communication with parents on student achievement (effective starting in the 2018-2019 school year).~~ (3-15-22)

04. Reporting. Methodologies for reporting measures and determining performance will be set by the State Board of Education. (3-15-22)

05. Annual Measurable Progress Definitions. For purposes of calculating and reporting progress, the following definitions shall be applied. (3-15-22)

- a.** Annual Measurable Progress. (3-15-22)
 - i.** The State Department of Education will make determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. (3-15-22)
 - ii.** The State Board of Education will set long-term goals and measurements of interim progress targets toward those goals. The baseline for determining measurable student progress will be set by the State Board of Education and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-15-22)
- b.** Full Academic Year (continuous enrollment). (3-15-22)
 - i.** A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved progress in any statewide assessment used for determining proficiency. A student is continuously enrolled if the student has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. (3-15-22)
 - ii.** A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. (3-15-22)
 - iii.** A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved progress in any statewide assessment used for determining proficiency. (3-15-22)
- c.** Participation Rate. (3-15-22)
 - i.** Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved measurable progress in ISAT proficiency. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-15-22)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (3-15-22)

(2) Students who are absent for the entire state-approved testing window because of medical reasons or are homebound are exempt from taking the ISAT if such circumstances prohibit them from participating. Students who drop out, withdraw, or are expelled prior to the beginning of the final makeup portion of the test window are considered exited from the school. (3-15-22)

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-15-22)

d. Schools. As used in this section, schools refers to any school within a school district or charter district and public charter schools. (3-15-22)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-15-22)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (3-15-22)

iii. A high school is any school that contains grade twelve (12). (3-15-22)

iv. An alternative high school is any school that contains grade twelve (12) and meets the requirements of Section 110 of these rules. (3-15-22)

v. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-15-22)

vi. A “new school” for purposes of accountability is a wholly new entity receiving annual measurable progress determinations for the first time, or a school with a significant student population change as a result of schools being combined or geographic boundaries changing, or a result of successful school restructuring sanctioned by the Office of the State Board of Education. (3-15-22)

e. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-15-22)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-15-22)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-15-22)

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-15-22)

iv. Limited English Proficient - individuals who do not score proficient on the state-approved language proficiency test and meet one (1) of the following criteria: (3-15-22)

(1) Individuals whose native language is a language other than English; or (3-15-22)

(2) Individuals who come from environments where a language other than English is dominant; or (3-15-22)

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

(3-15-22)

f. Graduation Rate. The graduation rate will be based on the rate of the cohort of students entering grade nine (9) during the same academic year and attending or exiting the school within a four (4) year or five (5) year period as applicable to the measure being determined. In determining the graduation cohort the school year shall include the students who complete graduation requirements prior to the start of the school district or charter schools next fall term. School districts may only report students as having graduated if the student has met, at a minimum, the state graduation requirements, pursuant to Section 105, and will not be returning to the school in following years to complete required academic course work. The State Board of Education will establish a target for graduation. All high schools must meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subgroups listed in Subsection 112.05.g.

(3-15-22)

g. Additional Academic Indicator. The State Board of Education will establish a target for all additional academic and school quality measures. All schools must maintain or make progress toward the additional academic and school quality measure target each year. The additional academic and school quality measure targets will be disaggregated by the subpopulations listed in Subsection 112.05.g.

(3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

160. SAFE ENVIRONMENT AND DISCIPLINE.

01. Each school district and public charter school will have a comprehensive school district ~~school or charter school~~ wide policy and procedures encompassing the following: ()

School Climate
Discipline
Student Health
Violence Prevention
Possessing Weapons on Campus
Substance Abuse - Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills
Relationship Abuse and Sexual Assault Prevention and Response

a. Student health policies must include: ()

i. seizure action plans identifying staff qualified to assist in the instance of a seizure, administration of seizure rescue medication, and any required staff training and timelines for training. ()

ii. administration of medical inhalers, epinephrine auto-injectors, insulin and blood glucose monitoring, pursuant to Section 33-520, Idaho code. ()

iii. Allowed uses of opioid-related overdose intervention, including any permissible uses of naloxone if approved by the local education agency for use. ()

b. ~~Districts will conduct an annual~~ A review of these policies and procedures will be conducted annually. (See Section 33-1612, Idaho Code) (3-15-22)()

IDAPA 08 – STATE BOARD OF EDUCATION
08.02.04 – RULES GOVERNING PUBLIC CHARTER SCHOOLS
DOCKET NO. 08-0204-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, and chapter 52, title 33, Idaho Code.

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

In accordance with [Executive Order 2020-01](#), this rulemaking is the result of a review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Amendments include the removal of unnecessary provision to streamline and simply the regulations and remove requirements that are duplicative of provisions established in chapter 52, title 33, Idaho code. Additionally, provisions identified in IDAPA 08.03.01 regarding the charter school petition process that were not previously included in IDAPA 08.02.04 have been added to IDAPA 08.02.04 and IDAPA 08.03.01 is proposed to be repealed under Docket 08-0301-2201. Update specific governing board references to charter holder.

Amendments between the proposed and pending rules stages include the addition of Education Service Provider, Petition and Performance Certificate to the definition section, as well as continuity of the new definitions throughout the rule language. Additional amendments make technical corrections that were identified during the public comment period and add additional clarification to the notification and acceptance process section and petitioner's requirements for the admission procedure framework and equitable selection process.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, page\(s\) 94-108](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nicholas Wagner at nick.wagner@osbe.idaho.gov or (208) 488-7886.

DATED this 16th day of November 2022.

Nicholas Wagner
Administrative Rules Coordinator
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DOCKET NO. 08-0204-2201 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 94 through 108.

This rule has been adopted as a pending fee rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 08-0204-2201
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

010. DEFINITIONS.

- 01. Authorizer Fee.** Fee paid by each public charter school to its authorized chartering entity. ()
- 02. Board.** Means the Idaho State Board of Education. ()
- 03. Charter Holder.** Means the governing board of the non-profit corporation to which a charter has been granted by an authorized chartering entity, as defined in Section 33-5202A(a), Idaho Code. ()
- 04. Commission.** Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. ()
- 05. Department.** Means the Idaho Department of Education. ()
- 06. District.** Means an Idaho public school district. ()
- 07. Educational Service Provider.** *Means a nonprofit or for-profit entity that contracts with a public charter school to provide educational services and resources including both (i) administrative support, and (ii) educational design, implementation, or management.* ()
- 08. Institution.** Means an Idaho public college, university of community college, or a private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities. ()
- 09. Performance Certificates.** *Means the certificate that sets forth the academic and operational performance expectations as identified in Section 33-5205B, Idaho Code, and constitutes a contractual agreement between the charter holder and the authorizer.* ()
- 10. Petition.** *Means the Petition required in Section 33-5205B, Idaho Code, and incorporates the performance certificate once approved.* ()
- 11. Petitioners.** Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules. ()

12. **School Year.** Means the period beginning on July 1 and ending the next succeeding June 30 of each year. ()

(BREAK IN CONTINUITY OF SECTIONS)

202. NEW PUBLIC CHARTER SCHOOL APPLICATION REQUIREMENTS.

Petitioners seeking to establish a new public charter school must apply to an authorized chartering entity through the submittal of a petition consisting of all of the following elements: ()

01. Introduction. Briefly introduce the proposed public charter school by providing the following: ()

a. Cover page with the proposed school’s name, intended opening year, general location, and the contact information for one (1) petitioner who will serve as liaison with the authorizer during the petition process; ()

b. Table of contents; ()

c. One-page (1) executive summary describing the proposed school’s organizational structure, educational program, and student outcome expectations; and ()

d. Mission statement. ()

02. Educational Program. Describe the proposed school’s educational program by explaining the following: ()

a. Educational philosophy; ()

b. Student academic achievement standards and any additional goals and methods for measuring achievement; ()

c. Key educational design elements, including curricula, tools and instructional methods identified to carry out the educational philosophy and meet the stated academic achievement standards and goals, which may include evidence demonstrating efficacy of these elements; and ()

d. Strategies for meeting the needs of specific student populations, including, but not limited to, students identified as at-risk, students who qualify for special education or gifted and talented services, or students identified as English language learners. ()

03. Financial and Facilities Plan. Demonstrate a sound understanding of public charter school finances and facilities needs. ()

a. State whether the school intends to provide transportation or food service, and provide plans for provision of these services if they will be offered; ()

b. Describe how the school’s finances will be managed and monitored; ()

c. Provide a working draft of the school’s prospective facilities plan, including likely facilities needs and estimated costs; ()

d. Provide a description of any potential facilities that have been identified and a timeline and process for securing appropriate space; and ()

e. Attach the following to Appendix *Series A*: Pre-opening budget and three-year operating budget,

including detailed assumptions for all revenue and expenditures for each year; year one (1), break-even budget demonstrating the minimum enrollment needed to achieve a zero (0) or marginal net income balance at the end of the year; cash flow projection for the first operational year, demonstrating an understanding of charter school monetary flow; evidence of existing and anticipated funds; and evidence that projected facilities costs are reasonable within the start-up and three-year budgets. ()

04. Board Capacity and Governance Structure. Provide information about the legal entity and the individuals involved in opening the proposed school. ()

a. Attach copies of the nonprofit corporation’s Articles of Incorporation and Corporate Bylaws to Appendix *Series* B, though note that they will not be incorporated as part of the school’s charter; ()

b. Provide a description of the governance structure; ()

c. List any already identified members of the board of directors, attach their professional resumes to Appendix *Series* C, and provide any additional information about their qualifications; ()

d. Describe the board’s plan for a smooth transition from initial founding members to subsequent members; and ()

e. Describe the plan for board member recruitment and training. ()

05. Student Demand and Primary Attendance Area. Demonstrate the need and community demand for the proposed public charter school in the selected location. ()

a. Describe the primary attendance area and list the public school districts that overlap this area; ()

b. Clearly articulate the need and demand for a school in the selected location, including demographics for the intended neighborhood. Need is the reason(s) existing schools are insufficient or inadequate and includes state performance data. Demand is evidence of desire from prospective families to attend the school; ()

c. Describe the population of students the proposed school intends to serve and how the selected location supports serving such students; ()

d. Provide the target enrollment by grade level and projected growth over the first three (3) years of operations and maximum student enrollment capacity if the petitioners do not anticipate reaching capacity by year three (3); ()

e. Describe any community partnerships or other local support for the proposed school; and ()

f. Describe strategies for informing under-served students and their families about the prospective school and the enrollment process. ()

06. School Leadership and Management. Describe the proposed school’s administrative leadership structure, and provide information about any potential education service providers. ()

a. Attach an organizational chart to Appendix *Series* D illustrating the proposed school’s leadership structure and indicating the reporting structures of school leaders to the board. If school leaders have already been identified, include their names, contact information, resumes, and any additional information about their qualifications in the appendices. ()

b. Describe the responsibilities of and relationships among school leadership, the *charter holder*, instructional leaders, and staff, and include a plan for evaluating school leaders. ()

c. If the proposed school intends to work with an educational service provider, provide the name of the company, a contact within the company, and specify in detail the extent of the entity’s participation in the

management and operation of the school. Attach the following to Appendix *Series E*: ()

i. A term sheet indicating the fees to be paid by the proposed school to the *educational service provider*, the length of the proposed contract, the terms for the contracts renewal, provisions for termination, *and fee schedule by type of service*; ()

ii. Copies of the two (2) most recent contracts that the entity has executed with operating charter schools; and ()

iii. A detailed description of the education service provider's relationship to the school's board of directors; ()

iv. A detailed description of how and why the educational service provider was selected, and evidence that the organization provides high-quality service to similarly situated schools, if applicable. ()

07. Supporting Documents. ()

a. Appendix *Series A – Financial Plan.* ()

b. Appendix *Series B – Facility Plan.* ()

c. Appendix *Series C – Governance Documents.* ()

d. Appendix *Series D – Board of Directors and Petitioners.* ()

e. Appendix *Series E – Administration and Organization.* ()

f. Appendix *Series F – Education Services Provider.* ()

g. *Appendix Series G – LEA Notification Letters.* ()

h. *Appendix Series H – Optional Additional Supporting Documents.* ()

203. ADMISSION PROCEDURES.

01. Idaho Public Charter School Commission. *The Idaho public charter school commission shall adopt policies and procedures establishing a framework for the equitable selection process and make available to all public charter schools a model procedure. Petitioners are required to adopt admission procedures that align with the Commission approved model procedures.* ()

02. Equitable Selection Process. Admission to a public charter school shall be determined by an equitable selection process. The equitable selection process must be held within seven (7) days of the enrollment deadlines as defined in Subsection 203.02 and must take place in a public setting, the date and time of which must be noticed to the public at least *forty-eight (48)* hours in advance. ()

03. Enrollment Deadline. A charter holder shall establish an enrollment deadline for each school year and may establish an enrollment capacity below that stated in the public charter school's performance certificate. The deadline shall be established either by annual vote of the charter holder's board of directors or by establishment of charter holder policy. The enrollment deadline shall be the date by which all written requests for admission to attend the public charter school for the next school year must be received. Neither the enrollment deadline nor a lowered enrollment capacity may be changed once the enrollment information is disseminated as required by Subsection 203.03. ()

04. Enrollment Opportunities. A charter holder shall ensure that citizens in the primary attendance area, as it is defined in the school's performance certificate, are made aware of the enrollment opportunities of the public charter school. ()

a. The notice must include the enrollment deadline, the public charter school's total enrollment capacity for the next school year, and an advisory that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national origin, ethnicity, religion, gender, socioeconomic status, or special needs; ()

b. One (1) or more notices must be publicly disseminated within the primary attendance area by an independent third party. Notices include, but are not limited to, printed publications, technology and social media broadcasts, or signage displayed by community partners outside of the school's physical location. ()

05. Requests for Admission. A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child residing in this state, must make a request in writing in electronic or hard-copy format for such child to attend a public charter school. ()

a. The written request for admission shall contain the name and contact information of a legal guardian of the prospective student; the name of the student, the last grade level completed, and address of the prospective student if different from the legal guardian. Requests must indicate whether the prospective student is a sibling of a currently enrolled student. The request for admission may only request that information that is necessary for determining the students eligibility for admittance as approved in the charter school performance certificate. ()

b. In the case of a family with more than one (1) child seeking to attend a public charter school, a single written request for admission must be submitted on behalf of all siblings. The written request for admission must be submitted to, and received by, the public charter school on or before the established enrollment deadline. The written request for admission shall contain the name, grade level, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process. Written requests for admission received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. ()

c. Where a weighted lottery has been approved through the charter school's *petition* and in compliance with the admission preference requirements established in Section 33-5206, Idaho Code, the charter school may request such data as is necessary to apply the provisions of the weighted lottery. ()

06. Admission Procedure. Admission to a public charter school shall be determined by an equitable selection process. The equitable selection process must be held within seven (7) days of the enrollment deadlines as defined in Subsection 203.02 and must take place in a public setting, the date and time of which must be noticed to the public at least forty-eight (48) hours in advance. ()

07. Final Selection List. The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. A waitlist of prospective students shall be compiled each year after the equitable selection process has been completed. The waitlist shall consist of students for whom no open seat is currently available and shall prioritize first, prospective students for whom a request for admission was received before the enrollment deadline in the order in which the students were selected during the equitable selection process, and second, prospective students for whom a written request for admission was received after the enrollment deadline in the order in which the request was received. ()

08. Notification and Acceptance Process. With respect to students selected for admission to the public charter school, within seven (7) days after conducting the equitable selection process, the public charter school shall send an offer letter to the legal guardian who submitted a written request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter *shall be retained* by the public charter school *in the student's permanent record*. ()

a. With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the legal guardian who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available. ()

b. If a legal guardian receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list. ()

c. If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list. ()

09. Subsequent School Years. The final selection list for a given school year shall not roll over to the next subsequent school year. The legal guardian of a student who remains on the waitlist when the next enrollment deadline is noticed to the public must be notified that a new written request for admission must be completed prior to the new enrollment deadline in order for the student to be added to the prospective student list. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. CHARTER HOLDER RESPONSIBILITIES.

01. General. The charter holder of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all operational and educational activities. In addition, the *charter holder* shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. ()

02. Compliance with Terms of Performance Certificate. The *charter holder* of a public charter school shall be responsible for ensuring that the school is in compliance with the terms and conditions of the performance certificate approved executed in accordance with Section 33-5205B(1), Idaho Code. Intentional failure to operate a charter school within the terms and conditions of the executed performance certificate are grounds to initiate a review by the authorized chartering entity and may result in the addition of stipulations on the performance certificate or revocation of the charter. ()

03. Annual Reports. An authorized chartering entity may request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its performance certificate. ()

04. Operational Issues. The charter holder shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the school is not operating in compliance with the terms and conditions of its performance certificate. Thereafter, the charter holder shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. ()

05. Articles of Incorporation and Bylaws. The charter holder shall be responsible for promptly notifying its authorized chartering entity of any revisions or amendments to the articles of incorporation or bylaws. ()

06. Required Documentation. Public charter schools shall ensure that the following documentation is up to date and on file with the school's authorized chartering entity: a copy of the lease agreement for leased building(s) at which students will be taught; a copy of any notice from the school's accrediting body that the school

has failed to meet or maintain full accreditation requirements; copies of any complaints filed against the school including, but not limited to, lawsuits and complaints filed with the Idaho professional standards commission relating to school employees; a current list of all school board members, including full name, address, telephone number, and resume must be on file with the *authorizer* within five (5) business days of any changes; and any additional proof of compliance as reasonably requested by the authorizer. ()

(BREAK IN CONTINUITY OF SECTIONS)

302. CHARTER REVISIONS.

01. Request for Revision of Charter or Performance Certificate. The *charter holder* of a public charter school that desires to revise its charter or performances certificate must submit a written request and the proposed revisions to the public charter school's authorized chartering entity. ()

02. Procedure for Reviewing Request for Charter or Performance Certificate Revision. The authorized chartering entity shall have seventy-five (75) days from the date of receipt of the written request and proposed revisions in which to issue its decision on the request for charter or performance certificate revision. The authorized chartering entity shall consider the request for charter or performance certificate revision at its next regular meeting following the date of receipt of the written request and proposed revisions, provided that the request and proposed revisions are submitted no fewer than thirty (30) days in advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter or performance certificate revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter or performance certificate revision. ()

03. Approval of Proposed Charter or Performance Certificate Revision. If the authorized chartering entity approves the proposed charter or performance certificate revision, a copy of such revision shall be executed by each of the parties to the charter or performance certificate and shall be treated as either a supplement to, or amendment of, the final approved charter or performance certificate, whatever the case may be. ()

04. Denial of Proposed Charter or Performance Certificate Revision. If the proposed charter or performance certificate revision is denied, then the authorized chartering entity must prepare a written notice of its decision which shall contain all of the reasons for the decision. The public charter school may appeal the decision to the Board. The provisions of Section 403 shall govern the appeal. ()

IDAPA 08 – STATE BOARD OF EDUCATION
08.03.01 – RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION
DOCKET NO. 08-0301-2201 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, and chapter 52, title 33, Idaho Code.

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

In accordance with [Executive Order 2020-01](#), this rulemaking is the result of a review of the chapter for evaluation on how it can be improved, simplified, and streamlined. IDAPA 08.03.01 is being repealed in its entirety. Necessary provisions that are not duplicative of IDAPA 08.02.04 are being moved to IDAPA 08.02.04.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, page 109](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nicholas Wagner at nick.wagner@osbe.idaho.gov or (208) 488-7886.

DATED this 15th day of November 2022.

Nicholas Wagner
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IDAPA 11 – IDAHO STATE POLICE
11.07.02 – RULES GOVERNING SAFETY GLAZING MATERIAL
DOCKET NO. 11-0702-2201 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2023, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-2901(4), Idaho Code, and Section 49-901, Idaho Code, reference the standards and specifications set for in 49 C.F.R. Sections 571.1 through 571.500, revised as of June 3, 2019.

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

ISP is proposing to repeal IDAPA 11.07.02 in its entirety.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7th, 2022, Idaho Administrative Bulletin, [Vol. 22-9, page 12](#).

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:

There will be no fiscal impact to the State of Idaho due to this change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Captain Matt Smith, phone (208) 884-7022, Email matt.smith@isp.idaho.gov.

DATED this 21st day of November 2022.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.Gardiner@isp.idaho.gov

**IDAPA 11 – IDAHO STATE POLICE
IDAHO PUBLIC SAFETY AND SECURITY INFORMATION SYSTEM**

11.10.01 – RULES GOVERNING IDAHO PUBLIC SAFETY AND SECURITY INFORMATION SYSTEM

DOCKET NO. 11-1001-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is not approved.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Title 19, Chapter 52, Idaho Code, and Sections 19-5201 through 19-5204, Idaho Code.

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

This pending rulemaking will provide additional funds to help support the Idaho ILETS System. The ILETS System provides access to critical information for law enforcement and safety agencies statewide.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 252-254](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Title 19, Chapter 52, Idaho Code, and Section 19-5202, Idaho Code.

Percentage of Total ILETS Message Traffic	Annual Usage Fee Effective October 1, 2023
0 - .25 %	\$3,750
.26 - .50 %	\$7,500
.51 - .75 %	\$15,000
.76 - 1.0 %	\$24,000
1.01 - 1.50 %	\$32,500
1.51 – 2.0 %	\$48,750
2.01 – 5.0 %	\$69,625
> 5.01 %	\$98,939

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:

There is no negative fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Program Manager, Leila McNeill, Phone (208) 884-7136, Fax (208) 884-7193, Email Leila.McNeill@isp.idaho.gov.

DATED this 23rd day of November, 2022.

Lt Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.Gardiner@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE
11.10.03 – RULES GOVERNING THE SEX OFFENDER REGISTRY
DOCKET NO. 11-1003-2201
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 18, Chapter 83, Idaho Code, and Sections 18-8301 through 18-8331, Idaho Code.

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

This change is to reinstate a section of the rule required by Section 18-8305(2), Idaho Code, which requires rules for expunging records of persons who are deceased.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 255-258](#).

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:

There is no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Program Manager, Leila McNeill, Phone (208) 884-7136, Fax (208) 884-7193, Email Leila.McNeill@isp.idaho.gov.

DATED this 22nd day of November, 2022.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.Gardiner@isp.idaho.gov

**IDAPA 11 – IDAHO STATE POLICE
PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

11.11.01 – RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

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

When adding mandatory topic training for Patrol certified officers as approved by the Council, the in-service training requirement for certified Detention officers was inadvertently deleted. This change adds the in-service training requirement for certified Detention officers back to the rule, as under previous versions.

Secondly, the charts added to the rule addressing qualifying experience for advanced certifications for Misdemeanor Probation Officers incorrectly allow for any Law Enforcement experience rather than Misdemeanor Probation experience. This change corrects that to require Misdemeanor Probation experience as qualifying for advanced certifications.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 259-263](#).

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:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact POST Division Administrator, Brad Johnson, phone 208-884-7251, fax 208-884-7295, email brad.johnson@POST.idaho.gov.

DATED this 28th day of November, 2022.

Lt. Colonel Bill Gardiner
Chief of Staff
Idaho State Police
700 S. Stratford Dr.
Meridian, Idaho 83642
(208) 884-7004
Bill.Gardiner@isp.idaho.gov

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
ESTABLISHING SEASONS AND LIMITS FOR HUNTING, FISHING, AND TRAPPING IN IDAHO
DOCKET NO. 13-0000-2300P1
NOTICE OF ADOPTION OF PROCLAMATION FOR CALENDAR YEAR 2023

AUTHORITY: As authorized by Section 36-104, Idaho Code, and in compliance with Sections 36-105(3), Idaho Code, the Commission adopts proclamations establishing seasons and limits for hunting, fishing, and trapping in Idaho.

AVAILABILITY OF OFFICIAL PROCLAMATIONS: Hunters, anglers, and trappers are advised to consult the text of the Commission’s official proclamation before hunting, fishing, or trapping. Current versions of Commission proclamations are available on-line at <https://idfg.idaho.gov/rules>, with print versions available at Idaho Department of Fish and Game offices and license vendors.

DESCRIPTIVE SUMMARY AND PUBLIC MEETING SCHEDULE: The Commission meeting schedule and meeting agendas are available on-line at [Commission Meeting Schedule](#), with opportunities for public comment to the Commission generally scheduled at its January, March, May, July, and November meetings. The Idaho Department of Fish and Game also provides various informal opportunities for public input for season setting proposals before developing staff recommendations for seasons.

Current/scheduled proclamations of the Commission include:

- **Big Game:** elk, deer (mule and white-tailed), mountain lion, black bear, pronghorn, gray wolf

The proclamation adopted by the Commission for 2022 season includes black bear, mountain lion seasons through July 2023 and gray wolf seasons through June 2023.

2023-2024 season setting is scheduled for Commission action at its quarterly meeting on March 16, 2023 (public hearing March 15, 2023).

- **Big Game:** moose, bighorn sheep, mountain goat (once-in-a-lifetime big game species)

2023-2024 season setting is scheduled for Commission action at its quarterly meeting on January 26, 2023 (public hearing January 25, 2023).

- **Migratory Game Birds:**

The proclamation adopted by the Commission for 2022-2023 seasons include waterfowl seasons through March 2023.

2023-2024 season setting is scheduled for Commission action at a conference call on April 13, 2023 (public hearing March 15, 2023).

- **Upland Game, Furbearer, Falconry, Upland (non-migratory) Game Birds:** turkey, pheasant, grouse (except sage grouse), quail, partridge

The proclamation adopted by the Commission for 2022-23 includes upland game bird seasons through January 2024, upland game animal and falconry seasons through March 2024, and furbearer seasons through June 2024.

2024-2025 season setting is scheduled for Commission action at its quarterly meeting in January 2024.

- **Sage Grouse:**

2023 season setting is scheduled for Commission Action on July 27, 2023 (public hearing July 26, 2023).

- **Fishing (except for spring/summer chinook salmon):**

The proclamation adopted for 2022-2024 seasons includes fishing seasons (except for spring/summer chinook salmon) through December 31, 2024.

- **Spring/Summer Chinook Salmon:**

Spring chinook salmon season setting is scheduled for Commission action at its quarterly meeting on March 16, 2023 (public hearing March 15, 2023).

Summer chinook salmon season setting may occur at the Commission's quarterly meeting on May 11, 2023, or at later conference call, depending on the availability of information on summer salmon returns (public hearing May 10, 2023).

- **Peregrine Falcon Capture (for falconry use):**

The proclamation adopted by the Commission for the 2022-2024 Peregrine Falcon capture season includes a season scheduled through August of 2024.

As provided in Sections 36-104 and 36-105, Idaho Code, the Commission retains authority to issue proclamations for additional species, amend existing proclamations, and adjust the above schedule as circumstances warrant. As provided in Section 36-106, Idaho Code, the Director has authority to close seasons or reduce bag or possession limits as circumstances may warrant and to open seasons to protect property from wildlife damage or for salvage.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proclamation, contact Owen Moroney at (208) 334-3715.

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.02 – RULES GOVERNING MANDATORY EDUCATION, MENTORED HUNTING, AND SHOOTING RANGES

DOCKET NO. 13-0102-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-401, 36-409, 36-412, 36-418 and 36-1508.

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

This rule is being presented for authorization as part of the agency's plan to review each rule chapter every five years, consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The fee portion of the rulemaking relates to fees for hunter, archery, and trapping education, and fees related to Commission-owned or Department-operated shooting ranges. Changes to current rule include fees the Department may charge for use of Commission/Department shooting ranges and for goods and services associated with these ranges. The non-fee portion of the rulemaking relates to criteria for mandatory hunting, archery, trapping, and wolf-specific trapping education; and allowances for mentored hunting and the hunter passport program for first-time hunters.

No one expressed interest in negotiated rulemaking, and no one asked for public hearing or commented on this rulemaking. The agency conducted a public input survey regarding mountain goat gender identification training in April 2022. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022 Idaho Administrative Bulletin, [Vol. 22-10, pages 266-268](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 36-412 and 36-418, Idaho Code.

Under this rulemaking the Department would continue to charge a fee of \$8.00 for each course enrollment in hunter, archery, trapper, or wolf trapper education. This fee has been in effect since March 24, 2017. This fee rule would also allow the Director to set a daily use fee for Commission-owned or Department-operated shooting ranges, not to exceed \$10.00, and allows IDFG range program managers to set and charge reasonable fees for goods and services associated with these ranges.

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:

There is no fiscal impact to the general fund associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Amber Worthington, Deputy Director, at 208-334-3771.

DATED this 18th day of November, 2022.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street

P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-105, and 36-408 Idaho Code.

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

This rulemaking originated by petition. This rulemaking balances outfitting industry and other economic and social interests in the Commission's allocation of deer and elk tags for sale to outfitted hunters when the Commission sets tag limits only for nonresidents (residents unlimited) for a zone, unit, or hunt area with a history of outfitted hunter use.

The agency conducted negotiated rulemaking, with a meeting on June 15, 2022. The agency received no comment on the proposed rules. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 269-272](#).

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:

There is no fiscal impact from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington, Deputy Director, at 208-334-3771.

DATED this 18th day of November, 2022.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2202

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-105, and 36-1101(a), Idaho Code.

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

This rulemaking originated by petition. This rulemaking would allow reasonable modification of big game hunting equipment restrictions to allow the use of an electronic viewfinder or display screen to aid aiming by blind or visually impaired hunters. The agency held a negotiated rulemaking on July 21, 2022. No persons other than petitioners identified themselves as interested persons. The agency received no comment on the proposed rules. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, page 273-274](#).

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:

There is no fiscal impact from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington, Deputy Director, at 208-334-3771.

DATED this 18th day of November, 2022.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
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Email: rules@idfg.idaho.gov

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.10 – RULES GOVERNING IMPORTATION, POSSESSION, RELEASE, SALE, OR SALVAGE OF WILDLIFE

DOCKET NO. 13-0110-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-501, 36-504, 36-506, 36-701, 36-703, 36-704, 36-706, 36-708, 36-712, and 36-2201-2205, Idaho Code.

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

This rule is being presented for authorization as part of the agency's plan to review each rule chapter every five years, consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). This rulemaking concerns the commercial and non-commercial importation, possession, release, sale, or salvage of wildlife. The rules under consideration govern import and transport permit issuance; captive wildlife; disease of captive wildlife; recovery, possession and sale of wildlife parts; prohibition on possession, importation and transportation of deer/moose/wild elk carcasses or parts from areas known to have animals with chronic wasting disease; private and commercial wildlife facilities; wildlife rehabilitation facilities; release of captively propagated game birds; and operation of shooting preserves.

The agency invited public participation in negotiated rulemaking, and no person expressed interest in participation. The agency also provided opportunities for public comment on proposed rules. The complete text of the proposed rule was published in the October 5, 2022 Idaho Administrative Bulletin, [Vol. 22-10, pages 275-286](#). The agency held a public meeting on October 18, 2022, at which it discussed potential changes to proposed rule sections regarding captive and commercial wildlife facilities based on initial comments received from commercial wildlife facilities regulated under both current agency rules and U.S. Department of Agriculture (USDA) regulations for exhibition of captive wildlife.

The text of the pending rule has been changed from the text of the proposed rule in accordance with Section 67-5227, Idaho Code. Changes in the pending rule text clarify points of confusion identified by commenters or upon further agency review. Changes also include the incorporation by reference of USDA regulations to align IDFG and USDA requirements for captive wildlife handling, care, treatment and transportation for warm blooded animals. Text changes regarding housing of captive wildlife provide flexibility measures to prevent escape, simplify or eliminate pieces of the rule that serve little purpose or create more burden or that are duplicative of USDA practices, and changes provide an exemption from state regulation for animal or public welfare activities (such as public handling or feeding) within commercial facilities licensed by USDA for public exhibition. The rulemaking continues state regulation of captive wildlife where there is not USDA licensing, and where there is greater potential to affect wildlife or the public at large, such as escape prevention, reporting of annual inventory and animal deaths, veterinary care for disease prevention and control, permitting for import and transport, and financial bonding for larger facilities to protect the state in case of escape or facility abandonment. The agency added Section 002 to comply with requirements of Section 67-5229, Idaho Code, to incorporate material by reference in administrative rule.

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 resulting from this rulemaking:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions about this pending rule, contact Tricia Hebdon, Assistant Chief of Wildlife, 208-287-2704.

DATED this 18th day of November, 2022.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

DOCKET NO. 13-0110-2201 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 275 through 286.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 13-0110-2201
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

002. INCORPORATION BY REFERENCE.

The code of federal regulations, title 9, part 2, section 131 (handling of animals), and part 3, sections 125-142 (specifications for humane handling, care, treatment, and transportation of certain warm-blood animals), (effective July 1, 2022) are incorporated by reference and available at <https://www.ecfr.gov/current/title-9/chapter-I/subchapter-A/>. ()

003. -- 009. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

260. HUMANE TREATMENT OF CAPTIVE WILDLIFE.

01. Humane Treatment. All captive wildlife must be handled in a humane manner and in a manner to prevent parasites, sickness, or disease, including but not limited to the following actions: ()

- a. Any captive wildlife afflicted with parasites or disease is immediately given attention *by a licensed veterinarian* or destroyed in a humane manner. ()
- b. Any captive wildlife is fed on a regular schedule. Food is adequate and varied and so far as possible, consistent with food ordinarily eaten by such animals. Food is of good quality and stores of same are kept in suitable containers with tight fitting covers so as to render it inaccessible to rats, flies, or other vermin. ()
- c. Fresh or running water for drinking purposes is available in cages or enclosures at all times, and is kept clean and in a sanitary condition. ()
- d. Enclosures will be kept in a clean and sanitary condition consistent with good animal husbandry. ()
- e. Any animals with a propensity to fight or which are otherwise incompatible are kept segregated. ()
- f. Suitable shelter or shields will be provided for all captive animals for protection from the elements, shelter and privacy. ()
- g. Cages or enclosures will attempt to mimic the natural climate and habitat of the species being held, as nearly as possible. ()

261. PREVENTION OF ESCAPE OF CAPTIVE WILDLIFE.

All wildlife held in captivity must be confined at all times in cages or enclosures of such structure or type of construction that it will be impossible for such animals to escape *(including by flying, climbing, jumping, or digging)*, meeting the following minimum specifications. The Department may *identify additional specifications for* enclosures by considering standards or guidelines *for the particular species of* the Association of Zoos and Aquariums *or other captive wildlife facility accreditation entities.* ()

- 01. For ursids (bears), canids, or felids, the enclosure will: ()

[proposed Paragraph 261.01.a. has been omitted]

- a. Have a chain link fence at least eight (8) feet in height with *permanently anchored stakes, a chain link enclosure top, and buried fencing or a concrete apron to preclude escape by digging; or* ()

[proposed Paragraph 261.01.c. has been omitted]

- b. Have any other Department-approved configuration that will preclude escape. ()

- 02. For all animals, cages or enclosures will be of sufficient size to give the animal or bird confined ample space for exercise and to avoid being overcrowded. ()

- a. The length of the cage or enclosure will be a minimum of four (4) times the body length (tip of nose to base of tail) of the animal being kept, reptiles excepted. ()

- b. The width will be at least three-fourths (3/4) of the cage length. ()

- c. For the second animal housed in cage, floor space will be increased twenty-five percent (25%) and for each additional animal housed in the cage, floor space will be increased fifteen percent (15%). Cages with tops will be of reasonable height to accommodate the animals contained therein. No nails or other sharp protrusions that might injure or impair the animal will be allowed within the cages. ()

- d. For all animals, cages or enclosures will be constructed to prevent entrance by other animals and prevent harm to or by the general public. Cages, fencing, and guardrails will be kept in good repair at all times; and gates will be securely fastened and locked. ()

e. For all venomous reptiles, enclosures will have safety glass and cages will have small enough mesh to prevent the animal's escape and double walls sufficient to prevent penetration of fangs to the outside; and all cages and enclosures will be kept locked. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. CAPTIVE WILDLIFE FACILITIES (PRIVATE, COMMERCIAL, REHABILITATION).

01. General. No person may own or operate or maintain a private park, commercial wildlife, or rehabilitation facility without obtaining the appropriate license for each facility from the Department. ()

02. Applications. Application to operate a private, commercial or rehabilitation wildlife facility will be on a form prescribed by the Department, with separate application to be made for each facility and for any animal(s) imported after a facility is licensed. The Department will only consider an application that includes: ()

- a. The name and address of the applicant and any owner(s) other than the applicant. ()
- b. Proof of compliance with city/county zoning ordinance or zoning permit application. ()
- c. The location of the proposed facility, including a legal description of the land, identification of property ownership, the approximate space devoted to the facility. ()
- d. The number and kinds of wildlife being or to be kept. ()
- e. The licensed veterinarian(s) *attending* the facility. ()
- f. Specifications of pens and shelters furnished for each kind of animal. ()
- g. Specifications of the guard fence or other security measures to prevent escape or protect the public from injury by the animals. ()
- h. For private and commercial facilities, the date upon which each animal was or is to be obtained. ()
- i. For private and commercial facilities, the source, including address and telephone number, from which each animal was, or is to be, obtained, and health certificate for all animals addressing diseases of concern. If already in possession, the type of license under which each animal is possessed. ()

03. *Renewal Applications.* *If the information is unchanged, renewal applications may incorporate by reference specifications in prior applications for enclosures, fences, or other security measures.* ()

04. Records. Persons operating a captive wildlife facility must provide the Department, at least once each license year, a list of wildlife by numbers of animals, and species, and keep a record of any wildlife received, born, dying, sold, exported or transported from the facility, with said record to be kept for five (5) years from the respective date of the action and available for Department inspection upon request. For private parks or commercial facilities, records must include documentation of legal possession of all wildlife kept at the facility including licenses, permits, receipts, invoices, bills of lading, or other satisfactory evidence of ownership. ()

[proposed Subsection 300.04 has been omitted]

301. – 399. (RESERVED)

400. COMMERCIAL WILDLIFE FACILITIES.

In addition to the rules for captive wildlife facilities in Section 300, the following apply to commercial wildlife facilities. ()

01. *USDA License.* *No person may operate a commercial wildlife facility exhibiting warm-blooded animals to the public without a USDA Exhibitor license.* ()

02. *Veterinary Care and Reporting.* *The facility must maintain adequate veterinary care, under a written care program with the attending licensed veterinarian(s). The licenseholder must maintain a complete record of veterinary examinations, illness, treatment and disposition for each permitted animal and make such record available to the Department upon request. Any warm-blooded animal death at the facility must be reported to the Department Regional Office where the facility is located within ten (10) days of the death, with veterinary inspection to occur for any such death unless it is reasonably expected based on care received under the veterinary care program.* ()

03. *Care Specifications.* *Any commercial wildlife facility must comply with requirements of 9 CFR 3.125-142 for warm-blooded animals specified in those regulations. Possession of warm-blooded animals under a valid USDA Exhibitor license is regulated by USDA under 9 CFR and is exempt from this subsection 03.* ()

04. *Public Handling or Feeding.* *Any commercial wildlife facility must comply with requirements of 9 CFR 2.131 for public handling or feeding of wildlife at commercial wildlife facilities not possessed under a valid USDA Exhibitor permit, including warm-blooded and non-warm-blooded wildlife. Public handling or feeding of warm-blood animals possessed under a valid USDA Exhibitor license is regulated by USDA under 9 CFR and is exempt from this subsection 04.* ()

[proposed Subsections 400.04 & 400.05 have been omitted]

05. *Sale of Animal Meat or Parts.* ()

i. A commercial wildlife facility licensee may sell or otherwise dispose of the carcass, parts, or by-products of a properly identified big game animal taken from a commercial wildlife facility only upon preparing an invoice or bill of sale as specified by the Department and attaching a copy of it to the lot shipment, carcass, or container and keeping a copy for his records. Upon the attaching of the invoice or bill of sale to the carcass, parts, or by-products of the animal, the same may be transported to the transferee named on the invoice or bill of sale. ()

ii. The licensee may sell commercial wildlife facility animals for meat upon compliance with all applicable health laws, USDA, and ISDA regulations. ()

401. – 409. (RESERVED)

410. LARGE COMMERCIAL WILDLIFE FACILITIES.

In addition to the rules for captive and commercial wildlife facilities in Section 300 and 400, the following apply to large commercial wildlife facilities: ()

01. *Animal Display and Security.* Commercial wildlife facilities that are of a size large enough or with a large number of animals incompatible with the cage or enclosure requirements of Section 260 may, in the Director's discretion, be addressed with facility-specific license terms to prevent escape of the captive wildlife, or damage to native wildlife through habitat degradation, genetic contamination, competition, or disease. In identifying facility-specific license terms, the Department may consider standards or guidelines *of captive wildlife facility accreditation entities* for cage, open space, shelter, enclosure, and display in a natural-appearing environment and in such a way as to preserve animal dignity. Terms may include, but are not limited to, fence specifications, electric fence specifications, pits or moats, buried fencing, and display features to enhance appreciation for the species and its natural history. ()

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.14 – RULES GOVERNING FALCONRY

DOCKET NO. 13-0114-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-409, and 36-1102, Idaho Code.

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

State regulation of falconry (the private possession of birds of prey in captivity for use in hunting) occurs under authority delegated by the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act. This rule is being presented for authorization as part of the agency's plan to review each rule chapter every five years, consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#).

The agency invited public participation in negotiated rulemaking and held a negotiated rulemaking meeting with participation by representatives of the Idaho Falconry Association. The agency also provided opportunities for public comment on proposed rules. The complete text of the proposed rule was published in the October 5, 2022 Idaho Administrative Bulletin, [Vol. 22-10, pages 287-292](#). As described in the Notice of Proposed Rulemaking, the U.S. Fish and Wildlife Service must be satisfied with Idaho's regulatory framework to delegate authority for falconry regulation to the state. The U.S. Fish and Wildlife Service reviewed the proposed rule and required the agency to make changes to incorporate certain federal regulations more clearly to receive continued federal authorization for state regulation of falconry. The agency received no other comment on the proposed rules.

The text of the pending rule has been changed from the text of the proposed rule in accordance with Section 67-5227, Idaho Code. After reviewing the proposed agency rule, the U.S. Fish and Wildlife Service required the agency to adopt certain federal regulations by reference for continued federal authorization of Idaho's state-regulated falconry program. The agency modified Section 100 to satisfy the U.S. Fish and Wildlife Service, and added Section 002 to comply with requirements of Section 67-5229, Idaho Code, to incorporate material by reference in administrative rule.

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 resulting from this rulemaking:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions about this pending rule, contact Jeff Knetter, Upland Game & Migratory Bird Coordinator, 208-287-2747.

DATED this 18th day of November, 2022.

Amber Worthington Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

DOCKET NO. 13-0114-2201 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 287 through 292.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 13-0114-2201
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

002. INCORPORATION BY REFERENCE.

The code of federal regulations, title 50, part 21, sections 21.76, 21.82, and 21.85 (effective July 1, 2022) are incorporated by reference, and are available at: <https://ecfr.gov/current/title-50/chapter-I/subchapter-B/part-21>.

()

003. – 009. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

100. MIGRATORY BIRD TREATY ACT AND REGULATIONS.

As provided by Section 36-1102, Idaho Code, no person may take or possess any migratory birds, including raptors, except as provided by the Migratory Bird Treaty Act and implementing regulations (including 50 CFR, Parts 21 and 22), and in accordance with related rules and proclamations promulgated by the Commission. *Falconry must comply with 50 CFR 21.82 (Falconry Standards and Falconry Permitting), 50 CFR 21.85 (Raptor Propagation Permits), and 21.76 (Rehabilitation permits); these federal regulations apply to falconry, even when this chapter 13.01.14 does not address the activity or when this chapter is construed as less restrictive.*

()

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.18 – RULES GOVERNING FEEDING OF WILD CERVIDS
DOCKET NO. 13-0118-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-105, and 36-111, Idaho Code.

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

This rule is being presented for authorization as part of the agency’s plan to review each rule chapter every five years, consistent with the Governor’s [Executive Order 2020-01: Zero-Based Regulation](#). This rulemaking relates to criteria for determining emergencies warranting agency feeding of wild cervids (including wild elk, deer, and pronghorn), and restrictions on private feeding of wild cervids. This rulemaking includes changes to integrate current Idaho Department of Fish and Game (IDFG) and Idaho State Department of Agriculture (ISDA) restrictions on private feeding of wild cervids for continued protection of the health of livestock, domestic cervids, domestic bison, and wildlife. ISDA has concurrently adopted pending rules to repeal IDAPA 02.04.25, “Rules Governing Private Feeding of Big Game Animals,” published in this bulletin on page 14 under docket 02-0425-2201. In combination, the pending rulemakings by IDFG and ISDA would consolidate regulation related to private feeding of wild cervids into a single rule chapter under IDFG’s authority. This rulemaking does not impact domestic cervidae, which are regulated by ISDA (Section 25-3702, Idaho Code.)

The agency received no comment on the proposed rules. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 293-295](#).

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:

There is no fiscal impact because of the repeal of this rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tricia Hebdon, Assistant Chief of Wildlife at 208-287-2704.

DATED this 18th day of November, 2022.

Amber Worthington Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.02 – RULES GOVERNING ADULT PROTECTIVE SERVICES PROGRAMS

DOCKET NO. 15-0102-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-5003 and 39-5312, Idaho Code.

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

These rules are being presented for authorization as part of the Idaho Commission on Aging’s plan to review each rule every 5 years under [Executive Order 2020-01, Zero-Based Regulation](#). The Commission seeks to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify language. The Idaho Commission on Aging intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules’ statutory authority and the Governor’s Executive Order.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2022 Idaho Administrative Bulletin, [Vol. 22, pages 296-299](#).

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Bettina Briscoe, Administrative Services Manager at 208-577-2858.

DATED this 21st day of November, 2022.

Judy B. Taylor
Director
Idaho Commission on Aging
6305 Overland Road Suite 110
Boise, ID 83709
Phone: (208) 334-383

DOCKET NO. 15-0102-2201 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-10, October 5, 2022, pages 296 through 299.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 15-0102-2201
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

010. DEFINITIONS.

Any item not specifically defined below has the same meaning as those defined in Idaho Code Title 39 Chapter 53 “Adult Abuse, Neglect, and Exploitation Act” or IDAPA 15.01.01, “15.01.01, “Rules Governing Senior Services and Older Americans Act Programs.” ()

01. Adult Protective Services (APS). The legal and bureaucratic systems and protections safeguarding vulnerable adults through investigations of reports alleging *vulnerable adult maltreatment* and arrangements for the provision of emergency or supportive, and preventative services necessary to reduce or eliminate risk of harm. ()

02. Provider. An Area Agency on Aging or a person or entity capable of providing APS, including duly authorized agents and employees. ()

011. -- 019. (RESERVED)

020. POLICY STATEMENT.

The ICOA is charged by statute to provide APS services to ensure the vulnerable adult population in Idaho is protected from *vulnerable adult maltreatment*. Protective services will be provided that are the least restrictive to personal freedom and ensure the maximum independence of individuals served. In protecting the vulnerable adult population, APS may also provide assistance to *caregivers* experiencing difficulties in maintaining or supporting a vulnerable adults. ()

(BREAK IN CONTINUITY OF SECTIONS)

022. PROVISION OF SERVICE REQUIREMENTS.

In accordance with Section 67-5011, Idaho Code, each Provider assumes all responsibilities cited in Title 39, Chapter 53, Idaho Code. ()

01. Confidentiality. All records relating to a vulnerable adult and held by a Provider are confidential and shall only be divulged as permitted pursuant to Idaho Code Sections 39-5307 and 39-5308 and Federal Law, whichever is more restrictive. ()

02. Contracts. Each Provider must administer APS pursuant to contracts delineating the duties and obligations of the APS program. ()

03. Court Visitors. Providers shall not serve as a court appointed visitor in a guardianship or conservatorship proceeding involving a proposed ward who is or has been the alleged victim in an *APS* investigation. ()

04. Direct Provision of Service. Area Agencies on Aging will administer APS as a direct service or may subcontract the service to another Provider at the sole discretion of the Administrator. ()

05. Provider Guidance: Provider guidance is developed, modified, and updated by the ICOA with input from appropriate stakeholder groups and approved by the Administrator. Guidance may be modified to adhere to state or federal law or regulations. Guidance may include manuals, training, standardized forms and assessment tools or other documentation as necessary. ()

023. -- 030. (RESERVED)

031. INVESTIGATIVE REQUIREMENTS.

01. Review of Allegations. Upon receipt of an *APS* report of *vulnerable adult maltreatment* the Provider shall conduct a review of the allegations of such report to determine whether: ()

a. The report was required to be made pursuant to Section 39-5303, Idaho Code; ()

b. An emergency exists; and ()

c. In cases involving resident-to-resident contact to determine whether the case involves the sexual abuse, death, or serious physical injury jeopardizing the life, health, or safety of a vulnerable adult, or involves repeated physical or verbal altercations between residents, not resulting in observable physical or mental injury, but constituting an ongoing pattern of resident behavior that a facility's staff is unable to remedy through reasonable efforts. ()

02. Need for Investigation. If, based on its review, the Provider determines that a report involves a facility, and was required to be made to the Department pursuant to Section 39-5303, Idaho Code, the Provider shall immediately refer the report to the Department. If, based on its review, the Provider determines that a report involving resident-to-resident contact was exempted from reporting by Section 39-5303, Idaho Code, no further investigation need be conducted on such report. The Provider shall investigate all other reports. ()

03. Vulnerability Determination. Upon investigating an *APS* report, the Provider shall determine whether an alleged victim is vulnerable. If the alleged victim is determined to be vulnerable the Provider shall continue the investigation to determine if the report is substantiated or unsubstantiated. If the alleged victim is not vulnerable the investigation shall be closed; however, the Provider may provide a referral to Information and Assistance, Case Management, the Ombudsman, law enforcement or other appropriate entity for investigation and resolution. ()

04. Investigative Determinations. The Provider shall make one (1) of two (2) investigative determinations upon completion of an APS investigation: ()

a. Substantiated. A report of *vulnerable adult maltreatment* by another individual is deemed substantiated when, based upon limited investigation and review, the Provider perceives the report to be credible. A substantiated report shall be referred immediately to law enforcement for further investigation and action. Additionally, the name of the individual against whom a substantiated report was filed shall be forwarded to the Department for further investigation. In substantiated cases of self-neglect, the Provider shall initiate appropriate referrals for supportive services with the consent of the vulnerable adult or his legal representative. ()

b. Unsubstantiated. If a report is unsubstantiated, but the Provider determines that the vulnerable adult

has unmet service needs, the Provider shall initiate appropriate referrals for supportive or prevention services with consent of the vulnerable adult or their legal representative. ()

05. Caregiver Neglect. In investigating a report of caregiver neglect, the Provider shall take into account any deterioration of the mental or physical health of the caregiver resulting from the pressures associated with care giving responsibilities that may have contributed to the neglect of the vulnerable adult. In such cases, the Provider shall make every effort to assist the informal primary caregiver in accessing available social, supportive or prevention services necessary to reduce the risk to the vulnerable adult. *Formal caregivers may be served at the discretion of the APS provider.* ()

**IDAPA 15 – OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

**15.04.01 – RULES OF THE DIVISION OF HUMAN RESOURCES
AND IDAHO PERSONNEL COMMISSION**

DOCKET NO. 15-0401-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5309, Idaho Code.

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

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2022, Idaho Administrative Bulletin, [Vol. 22-10, pages 300-314](#).

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:

This rulemaking is not anticipated to have any fiscal impact on the state's General fund or any dedicated fund or federal fund because the changes are only verbiage in nature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michelle Peugh, HR Policy and Program Officer, at michelle.peugh@dhr.idaho.gov or (208) 854-3073.

DATED this 25th day of November, 2022.

Lori A. Wolff
Administrator
304 North 8th Street
P.O. Box 83720
Boise, Idaho 83720-0066
Lori.Wolff@dhr.idaho.gov
Phone: (208) 334-2263
Fax: (208) 854-3088

**IDAPA 15.06 – OFFICE OF THE GOVERNOR
IDAHO MILITARY DIVISION**

15.06.01 – RULES GOVERNING THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

DOCKET NO. 15-0601-2201 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective (at the conclusion of the legislative session), unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 31-4801 and 31-4815, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 2022 Idaho Administrative Bulletin, [Vol. 22-7, pages 96-100](#).

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: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lt Col Lauren Tschampl at (208) 422-5399.

DATED this 28th day of November, 2022.

Lauren Tschampl
Staff Judge Advocate
Idaho Air National Guard
Idaho Military Division
4040 W. Guard, Building 600
Boise, Idaho 83705
208-422-5399

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.04.18 – CHILDREN’S AGENCIES AND RESIDENTIAL LICENSING
DOCKET NO. 16-0418-2201 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-1207, 39-1208, 39-1209, 39-1210, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

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

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Therapeutic and Residential Program is striving to prevent the accumulation of costly, ineffective, and outdated regulations and to reduce regulatory burden to achieve a more efficient operation of government.

These changes are a result of a comprehensive review of Children’s Agencies and Residential Licensing Program rules and collaboration with stakeholders to streamline and simplify these rules. The rule content currently resides in 16.06.02, “Child Care Licensing,” and is being separated from day care and foster home content and placed into a new chapter to reduce confusion for stakeholders. The new chapter is titled IDAPA 16.04.18, “Children’s Agencies and Residential Licensing.” The changes clarify licensing requirements for children's agencies, children's residential care facilities, children's camps, children's therapeutic outdoor programs, and substance abuse treatment facilities licensed to operate in Idaho. Redundant and outdated language and requirements have been updated and removed as necessary.

Changes to text being made at this pending stage are to clarify the proposed language, eliminate obsolete language, and streamline rule text.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, pages 92 through 150](#).

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:

This rulemaking is not anticipated to have any fiscal impact on the State General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Frede’ Teske at 208-334-0649.

DATED this 12th day of December, 2022.

Trinette Middlebrook and Frank Powell
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

**DOCKET NO. 16-0418-2201 – ADOPTION OF PENDING RULE
(New Chapter)**

Substantive changes have been made in the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-9, September 7, 2022, pages 92 through 150.

This rule has been adopted as a pending fee rule by the agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0418-2201
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)**

000. LEGAL AUTHORITY.

Sections 39-1207, *39-1208*, 39-1209, 39-1210, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, authorizes the Department and the Idaho Board of Health and Welfare to adopt and enforce rules for licensing children's agencies, children's residential care facilities, and children's therapeutic outdoor programs. ()

001. SCOPE *AND* POLICY.

01. Scope. These rules establish requirements for licensing, maintaining, and operating the following facilities or programs in Idaho: ()

- a. Children's agencies; ()
- b. Children's residential care facilities; and ()
- c. Children's therapeutic outdoor programs. ()

02. Policy. The Department will assure that Idaho children receive adequate substitute parental care in case of absent parents, or the temporary or permanent inability of parents to provide care and protection, or if parents are seeking alternative twenty-four (24) hour care for their children. ()

[proposed Subsection 001.03 has been omitted]

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS A THROUGH M.

01. Chief Administrator. The duly authorized representative or designee of an organization responsible for day-to-day operations, management, and compliance with these rules and Title 39, Chapter 12, Idaho Code. ()

02. Child. Under Title 39, Chapter 12, Idaho Code, a “child” is an individual less than eighteen (18) years old, synonymous with juvenile or minor. ()

03. Child Care. The care, control, supervision, or maintenance of a child for twenty-four (24) hours a day provided as an alternative to parental care. ()

04. Children's Agency. A business for the placement of children in foster homes or for adoption and who does not provide child care as part of that business. A children's agency includes those providing home studies, post-placement supervision, post-finalization services, and other domestic and international adoptive services under Title 39, Chapter 1202(4), Idaho Code. A children's agency does not include an Idaho certified adoption specialist. ()

05. Children's Camp. *A program of child care at a location away from the child's home that is primarily recreational and includes the overnight accommodation of the child and is not intended to provide treatment, therapy, or rehabilitation for the child.* ()

06. Children's Residential Care Facility. *A children's institution as defined in Section 39-1202(6), Idaho Code, but excluding foster homes, children's therapeutic outdoor programs, accredited residential schools, and children's camps if the camps provide child care for less than nine (9) consecutive weeks in any one (1) year period.* ()

[proposed Paragraphs 010.06.a. and b. have been omitted]

07. Children's Therapeutic Outdoor Program. A program that provides child care designed to provide behavioral, substance abuse, or mental health services to children in an outdoor setting. Also known as “outdoor program.” ()

08. Continued Care. The ongoing placement of an individual who reaches the age of eighteen (18) years but is less than twenty-one (21) years old. ()

09. Department. The Idaho Department of Health and Welfare, the Department Director, or designee. ()

10. Direct Care Staff. An employee who has direct personal interaction with children in the supervision of child care. ()

11. Disrupted Placement. When a child is discharged by the organization based on the child's behaviors, or when a child is removed from an adoptive placement before the adoption is finalized. ()

12. Governmental Unit. The State of Idaho, any county, municipality, or other political subdivision, or any department, division, board, or other agency thereof. ()

13. Intercountry Adoption. The placement of a child from one (1) country to another for the purpose of adoption. ()

14. Mechanical Restraint. Devices used to restrict a person's free movement. ()

15. Medical Professional. Person who received a degree in nursing or medicine and is licensed as a nurse, licensed nurse practitioner, physician's assistant, or medical doctor. ()

011. DEFINITIONS N THROUGH Z.

01. Nonaccredited Residential School. A residential school for any number of children that is not certified or accredited pursuant to Section 39-1207, Idaho Code, or has lost accreditation and is subject to the jurisdiction of the Department as a children's residential care facility pursuant to Section 39-1210, Idaho Code, unless and until accreditation is certified by the Idaho Department of Education. ()

02. Noncompliance. Violation of, or inability to meet, the requirements of these rules or the terms of licensure. ()

03. Operator. An individual who operates or maintains within Idaho a children's residential care facility, children's agency, or outdoor program. ()

04. Organization. A children's agency, a children's residential care facility, or an outdoor program. ()

05. Person. Any individual, association, partnership, corporation, or any group thereof. ()

06. Physical Restraint Intervention. Any intervention utilized to control the range and motion of an individual, including an escort, to assist a child in moving from one location to another. ()

07. Placement. The activities and arrangements related to finding a suitable home or facility for a child. ()

08. Plan of Correction. The detailed procedures developed between the Department and an organization required to bring the organization into compliance. ()

09. Residential School. A residential facility for children *that* provides services substantially comparable to those provided in nonresidential public schools where the primary purpose is the education and academic pursuits of the students. *All additional provisions of* Section 39-1202(23), Idaho Code, *also apply in defining "Residential School".* ()

10. Seclusion. A room within a facility designed to temporarily isolate an individual to gain emotional or physical control by means of structure and minimal stimulation. ()

11. Staff-Child Ratio. The maximum number of children allowed under the care and supervision of one (1) staff. ()

12. Substance Abuse Treatment Facility. A licensed children's residential care facility participating in the public Substance use Disorder (SUD) system specializing in providing programs of treatment for children whose primary problem is alcohol or drug abuse, under IDAPA 16.07.17, "Substance Use Disorders Services." Private pay children's residential care facilities must utilize licensed professionals under IDAPA 16.07.17 to provide specialized treatment for children whose primary problem is alcohol or drug abuse. ()

13. Supervision. Monitoring a child based on their individual needs to provide for their safety and protection. ()

14. Time-Out. Separation of a child from an activity as a means of behavior management. ()

15. Training. Instruction related to child care that increases knowledge, skill, and abilities. ()

012. – 099. (RESERVED)

**LICENSING AND CERTIFICATION
Sections 100 – 199**

100. LICENSING.

These rules set requirements and monitor compliance. ()

01. Operator Responsibilities. The operator must conform to the terms of the license. ()

02. Knowledge of Standards. The operator is responsible for knowing and always complying with the rules regulating the license. The operator is responsible for ensuring that staff are familiar with the rules governing their organization. ()

03. Voluntary Closure. The operator must notify the Department of any voluntary closure prior to the closure date. ()

04. Voluntary Withdrawal of License. The Department will withdraw the license of an organization that has not provided services in the last licensed year. ()

05. Operating Without a License. If children are found in an unlicensed organization, the Department will refer to law enforcement or Child Protective Services if it has been determined that an immediate threat to the children's health and safety exists; ()

06. Operating an Unlicensed Organization. Operating an unlicensed organization is a misdemeanor under Sections 39-1220 and 39-1221, Idaho Code. ()

07. Exceptions and Exemptions. *Under Sections 39-1206 and 39-1211, Idaho Code, these rules do not apply to:* ()

a. The occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily engaged in child care; or ()

b. Children's camps that only provide child care for any one (1) child for less than nine (9) consecutive weeks in any one (1) year period. A children's camp that provides child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period constitutes a children's residential care facility and is subject to these rules. A children's camp that also constitutes a residential school must be governed as a residential school. ()

IDAPA 21 – IDAHO DIVISION OF VETERANS SERVICES

21.01.01 – RULES GOVERNING ADMISSION, RESIDENCY, AND MAINTENANCE CHARGES IN IDAHO STATE VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE

DOCKET NO. 21-0101-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 65-202; 65-204; and 66-907, Idaho Code.

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

This rule change removes a contradiction in the existing rule that conflicts with Title 14 Chapter 5, Idaho Code, the Unclaimed Property Act (UCPA). It also clarifies the rights of a resident regarding a notice of transfer or discharge and the rights of an applicant regarding notice of a denial of an application for residency.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 2022 Idaho Administrative Bulletin, [Vol. 22-11, pages 39-42](#).

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kevin Wallior at 208-780-1308.

DATED this 21st day of November, 2022.

Kevin Wallior, Management Assistant
Idaho Division of Veterans Services
351 Collins Road
Boise, ID 83702
Phone: 208-780-1308
Fax: 208-780-1301
Email: kevin.wallior@veterans.idaho.gov

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.30 – IDAHO SAFE BOATING RULES

DOCKET NO. 26-0130-2201 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5226, 67-4223, and Title 67 Chapter 70, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022 Idaho Administrative Bulletin, [Vol. 22-9, page 265](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Seth Hobbs at (208) 514-2427.

DATED this 28th day of November, 2022.

Seth Hobbs, Rules Review Officer
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716
Phone: 208-514-2427
Seth.hobbs@idpr.idaho.gov

IDAPA 47 – IDAHO DIVISION OF VOCATION REHABILITATION
47.01.01 – RULES GOVERNING VOCATIONAL REHABILITATION SERVICES
DOCKET NO. 47-0101-2200
NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of, or date specified in, the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution, Sections 33-101, 33-105, 33-2303, Idaho Code, and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA).

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

This pending rule adopts and publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 47, rules of the Idaho Division of Vocation Rehabilitation:

IDAPA 47

- 47.01.01, *Rules Governing Vocational Rehabilitation Services.*

Amendments between the proposed and pending rule clarifies the Application for Services section regarding residency requirement participation based on feedback from the most recent federal program review.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 6, 2022, Idaho Administrative Bulletin, [Vol. 22-7, pages 252 – 258](#).

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:

This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2023 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nicholas Wagner at nick.wagner@osbe.idaho.gov or (208) 488-7886.

DATED this 15th day of November, 2022.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208) 488-7586
fax: (208) 334-2632

DOCKET NO. 47-0101-2200 – ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 22-7, July 6, 2022, pages 252 through 258.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2023 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR OMNIBUS DOCKET NO. 47-0101-2200
(Only the section that has changed from the original proposed text
is printed in this Bulletin following this notice.)

200. REFERRAL AND APPLICATION FOR SERVICES.

01. Referral. The Division will attempt contact within seven (7) business days after receipt of a referral request and will make a minimum of three (3) attempts to contact the individual before closing the referral. ()

02. Application for Services. The application process includes the following; an individual must sign and date an application or make a request for alternate application, provide necessary information to begin an assessment of eligibility, including information gathered in the intake interview, and the customer is determined to be available and free of restrictions to complete the assessment process for determining eligibility for Division services. ()

a. Residency Requirement. There is no duration of residency required to apply for Division services. Individuals must be *available to participate in the vocational rehabilitation process* and legally able to work in the United States (i.e., non-U.S. citizens must show they are legally able to work within the United States). ()

b. Other Requirements. Customers must be available to participate in the eligibility determination process and will be informed of their rights and responsibilities as a customer of the program. ()

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD
DOCKET NO. 57-0101-2201 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 18-8314, Idaho Code.

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

Following [Executive Order 2020-01: Zero-Based Regulations](#), this rule chapter is scheduled to be repealed and replaced in 2022 for review during the 2023 legislative session. The department anticipates reducing the overall regulatory burden by reducing both total word count and the number of restrictive words in the new rule chapter. The department will review the rule with stakeholders to ensure that it is right-sized. This rule making eliminates unnecessary or duplicative information and moves all fee information under the same rule.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022 Idaho Administrative Bulletin, [Vol. 22-9, pages 312-324](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 18-8314, Idaho Code.

Seventy-five dollars (\$75) for initial certification applications and fifty dollars (\$50) for biennial certification renewal applications for: senior/approved level psychosexual evaluators, associate/supervised level sexual offender treatment provider, and associate/supervised level post-conviction sexual offender polygraph examiners.

Fifty dollars (\$50) for initial certification applications and thirty dollars (\$30) for annual certification renewal applications for entry-level provisional/supervised psychosexual evaluators and provisional/supervised sexual offender treatment providers.

Twenty-five dollars (\$25) for a 60-day continuing education (CEU) extension.

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:

There will not be any impact on the general fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Nancy Volle at (208) 605-4782.

DATED this 12th day of December, 2022.

Nancy Volle, Program Manager
Sexual Offender Management Board
1299 N Orchard St Ste #110
Boise, ID 83706
Phone: (208) 605-4782
Email: somb@idoc.idaho.gov

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.01 – RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0101-2201

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2023 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections, 59-1301, 59-1314, 59-1372, 59-1383 and 59-1392, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2022, Idaho Administrative Bulletin, [Vol. 22-9, pages 516-520](#).

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:

The change in this rule will not have any fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Cheryl George, (208) 287-9231.

DATED this 21st day of November, 2022.

Don Drum
Executive Director
Public Employees Retirement System of Idaho
P.O. Box 83720,
Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3804

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

*THERE ARE NO PROPOSED RULES PUBLISHED IN
THE JANUARY 4, 2023, IDAHO ADMINISTRATIVE BULLETIN, VOL. 23-1*

Please refer to the Idaho Administrative Bulletin [January 4, 2023, Volume 23-1](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

March 31, 2022 – January 4, 2023

(PLR 2023) – Final Effective Date Is Pending Legislative Review in 2023

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

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(This Abridged Index includes all active rulemakings.)

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02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 01, Chapter 04; Title 02, Chapter 02; Title 04, Chapters 04, 15, 17, 29; and Title 06, Chapters 02, 05 – Bulletin Vol. 22-1

02.01.04, Rules Governing the Voluntary Idaho Preferred® Promotion Program

02-0104-2201 Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0104-2201 Notice of Temporary and Proposed Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-7 (eff. 7-6-22)T

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 01, Chapter 04 – Bulletin Vol. 22-1

02.02.02, Rules Governing Grading and Controlled Atmosphere Storage of Apples

02-0202-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0202-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 02, Chapter 02 – Bulletin Vol. 22-1

02.04.04, Rules for Artificial Dairy Products

02-0404-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0404-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 04 – Bulletin Vol. 22-1

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

02-0415-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0415-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 15 – Bulletin Vol. 22-1

02.04.17, Rules Governing Dead Animal Movement and Disposal

02-0417-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0417-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 17 – Bulletin Vol. 22-1

02.04.19, Rules Governing Domestic Cervidae

02-0419-2201 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 22-5

02.04.25, Rules Governing Private Feeding of Big Game Animals

02-0425-2201 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 23-1 (PLR 2023)

02-0425-2201 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 22-10

02.04.29, Rules Governing Trichomoniasis

02-0429-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0429-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 29 – Bulletin Vol. 22-1

02.06.02, Rules Governing Registrations and Licenses

02-0602-2201 Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

02-0602-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-7

02-ZBRR-2201 *Rules of the Idaho Department of Agriculture* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 06, Chapter 02 – Bulletin Vol. 22-1

02.06.05, Rules Governing Plant Disease and Quarantines

- 02-0605-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)
- 02-0605-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7
- 02-ZBRR-2201 **Rules of the Idaho Department of Agriculture** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 06, Chapter 05 – Bulletin Vol. 22-1

02.06.33, Organic Food Products Rules

- 02-0633-2201 Adoption of Pending Fee Rule, Bulletin Vol. 23-1 (PLR 2023)
- 02-0633-2201 Notice of Temporary and Proposed (Fee) Rule, Bulletin Vol. 22-7 (eff. 5-4-22)T

02.08.01, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board

- 02-0801-2201 Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 22-12 (PLR 2023)
- 02-0801-2201 Notice of Temporary and Proposed Rule (New Chapter, Fee Rule), Bulletin Vol. 22-7 (eff. 4-27-22)T

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- 05-0103-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)
- 05-0103-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7
- 05-0103-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

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- 08-0113-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-1 (PLR 2023)
- 08-0113-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10
- 08-0113-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.02.01, Rules Governing Administration

- 08-0201-2201 Adoption of Temporary Rule, Bulletin Vol. 22-6 (eff. 4-20-22)T

08.02.02, Rules Governing Uniformity

- 08-0202-2201 Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)
- 08-0202-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-10
- 08-0202-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.02.03, Rules Governing Thoroughness

- 08-0203-2203 Adoption of Temporary Rule, Bulletin Vol. 22-11 (eff. 10-20-22)T

- 08-0203-2202 Adoption of Temporary Rule, Bulletin Vol. 22-8 (eff. 6-15-22)T

- 08-0203-2201 Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)
- 08-0203-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-10
- 08-0203-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

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- 08-0204-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-1 (PLR 2023)

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- 08-0204-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

08.03.01, Rules of the Public Charter School Commission

- 08-0301-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-1 (PLR 2023)
- 08-0301-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
- 08-0301-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

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11.04.01, Rules Governing the Idaho State Racing Commission

- 11-0401-2201 Adoption of Pending Fee Rule (New ZBR Chapter), Bulletin Vol. 22-12 (PLR 2023)
- 11-0401-2201 Notice of Proposed Rulemaking (New ZBR Chapter, Fee Rule), Bulletin Vol. 22-10
- 11-ZBRR-2201 **Rules of the Idaho State Racing Commission** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Bulletin Vol. 22-7

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- 11-0402-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
- 11-0402-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
- 11-ZBRR-2201 **Rules of the Idaho State Racing Commission** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 02 – Bulletin Vol. 22-7

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- 11-0403-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
- 11-0403-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
- 11-ZBRR-2201 **Rules of the Idaho State Racing Commission** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 03 – Bulletin Vol. 22-7

11.04.04, Rules Governing Disciplinary Hearings and Appeals

- 11-0404-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
- 11-0404-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
- 11-ZBRR-2201 **Rules of the Idaho State Racing Commission** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 04 – Bulletin Vol. 22-7

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- 11-0405-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
- 11-0405-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
- 11-ZBRR-2201 **Rules of the Idaho State Racing Commission** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 05 – Bulletin Vol. 22-7

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- 11-0406-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
- 11-0406-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
- 11-ZBRR-2201 **Rules of the Idaho State Racing Commission** – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 04, Chapter 06 – Bulletin Vol. 22-7

11.04.07, Rules Governing Racing Associations

- 11-0407-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
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11.04.08, Rules Governing Pari-Mutuel Wagering

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- 11-0408-2201** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
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- 11-0409-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
11-0409-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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- 11-0410-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
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11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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- 11-0411-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
11-0411-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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- 11-0413-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
11-0413-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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11.04.14, Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents

- 11-0414-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
11-0414-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
11-ZBRR-2201 *Rules of the Idaho State Racing Commission* – Notice of Intent to Promulgate Rules – Zero-Based Regulation
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11.04.15, Rules Governing Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants

- 11-0415-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
11-0415-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-10
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- 11-0702-2201** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 23-1 (PLR 2023)
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- 11-1001-2201** Adoption of Pending Fee Rule, Bulletin Vol. 23-1 (PLR 2023)
11-1001-2201 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 22-10

11.10.03, Rules Governing the Sex Offender Registry

- 11-1003-2201** Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)
11-1003-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-10

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-2201** Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)
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13-0000-2200P6 Notice of Adopted / Amended Proclamation for Calendar Year 2022, Bulletin Vol. 22-10

13-0000-2200P5 Notice of Adopted / Amended Proclamation for Calendar Year 2022, Bulletin Vol. 22-9

13-0000-2200P4 Notice of Adopted / Amended Proclamation for Calendar Year 2022, Bulletin Vol. 22-7

13-0000-2200P3 Notice of Adopted / Amended Proclamation for Calendar Year 2022, Bulletin Vol. 22-5

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13-0000-2200P1 Notice of Adoption of Proclamation for Calendar Year 2022, Bulletin Vol. 22-1

13.01.02, Rules Governing Mandatory Education and Mentored Hunting

13-0102-2201* Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-1 (PLR 2023)

**Renames chapter from: "Rules Governing Mandatory Education and Mentored Hunting"*

to: "Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges"

13-0102-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10

13-0102-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

13.01.04, Rules Governing Licensing

13-0104-2203 Notice of Temporary Rulemaking, Bulletin Vol. 22-9 (eff. 7-28-22)T

13-0104-2202 Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)

13-0104-2202 Notice of Proposed Rulemaking, Bulletin Vol. 22-10

13-0104-2202 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 22-4

13-0104-2201 Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)

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13.01.10, Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife

13-0110-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-1 (PLR 2023)

13-0110-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10

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13-0114-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10

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13.01.18, Rules Governing Feeding of Pronghorn Antelope, Elk, and Deer

13-0118-2201* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-1 (PLR 2023)

**Renames chapter from: "Rules Governing Feeding of Pronghorn Antelope, Elk, and Deer"*

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13-0118-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10

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15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission

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- [15-0401-2201](#) Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)
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15.06.01, Rules Governing the Idaho Public Safety Communications Commission

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- [15-0601-2201](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

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15.10.01, Rules of the Idaho State Liquor Division

- [15-1001-2201](#) Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-9 (PLR 2023)
- [15-1001-2201](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-7
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- [16-0103-2201](#) Notice of Proposed Rulemaking, Bulletin Vol. 22-7

16.01.06, Emergency Medical Services (EMS) -- Date Collection and Submission Requirements

- [16-0106-2201](#) Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 22-12 (PLR 2023)
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- [16-0201-2201](#) Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
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- [16-0208-2201](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 22-7 (eff. 7-1-22)T

16.02.19, Idaho Food Code

- 16-0219-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
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- 16-0219-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-5

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- 16-0302-2201 Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
- 16-0302-2201 Notice of Temporary and Proposed Rule, Bulletin Vol. 22-7 (eff. 9-1-22)T

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-2201 Adoption of Pending Rule, Bulletin Vol. 22-11 (PLR 2023)
- 16-0309-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-7
- 16-0309-2201 Adoption of Temporary Rule, Bulletin Vol. 22-5 (eff. 3-17-22)T

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- 16-0310-2101 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

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- 16-0313-2101 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

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- 16-0319-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-9
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16.03.24, The Medically Indigent Program

- 16-0324-2201 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 22-11 (PLR 2023)
- 16-0324-2201 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 22-7
- 16-0324-2201 Adoption of Temporary Rule (Chapter Repeal), Bulletin Vol. 22-6 (eff. 3-29-22)T

16.03.25, Idaho Medicaid Promoting Interoperability (PI) Program

- 16-0325-2201 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 22-11 (PLR 2023)
- 16-0325-2201 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 22-7

16.04.14, Rules Governing the Low Income Home Energy Assistance Program

- 16-0414-2201* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)
- 16-0414-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8
 - *Renames chapter from: “Rules Governing the Low Income Home Energy Assistance Program” to: “Low-Income Home Energy Assistance Program (LIHEAP)”

16.04.18, Children’s Agencies and Residential Licensing

- 16-0418-2201 Adoption of Pending Rule (New Chapter), Bulletin Vol. 23-1 (PLR 2023)
- 16-0418-2201 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 22-9

16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

- 16-0504-2101* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)
- 16-0504-2101* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8
 - *Renames chapter from: “Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding,” to: “Domestic Violence Council Grants”
- 16-0504-2101 (Fourth) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4
- 16-0504-2101 (Third) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-2

- 16-0504-2101** (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 21-12
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16.05.06, Criminal History and Background Checks

- 16-0506-2201** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
16-0506-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8
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16.06.01, Child and Family Services

- 16-0601-2202** Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
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16-0601-2201 Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
16-0601-2201 Notice of Temporary and Proposed Rule, Bulletin Vol. 22-9 (eff. 8-18-22)T

16.06.02, Child Care Licensing

- 16-0602-2201*** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
*Renames chapter from: “*Child Care Licensing*,” to: “*Child Care and Foster Care Licensing*”
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- 16-0612-2201** Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
16-0612-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-10

16.07.33, Adult Mental Health Services

- 16-0733-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
16-0733-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9
16-0733-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-2

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- 17-0101-2202** Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
17-0101-2202 Notice of Temporary and Proposed Rule, Bulletin Vol. 22-9 (eff. 8-3-22)T

17-0101-2201 Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
17-0101-2201 Notice of Temporary and Proposed Rule, Bulletin Vol. 22-7 (eff. 7-1-22)T

17.11.01, Administrative Rules of Peace Officer and Detention Officer Temporary Disability Act

- 17-1101-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
17-1101-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-10
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- 18-ZBRR-2201** *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 02, Chapters 02, 03; Title 07, Chapters 01-03, 08, 09; and Title 08, Chapters 01, 02 – Bulletin Vol. 22-4

18.02.02, Automobile Insurance Policies

- 18-0202-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)
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18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 02, Chapter 02 – Bulletin Vol. 22-4

18.02.03, Certificate of Liability Insurance for Motor Vehicles

18-0203-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0203-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 02, Chapter 03 – Bulletin Vol. 22-4

18.07.01, Rules for Acquiring Control, Insurance Holding Company Systems and Mutual Insurance Holding Companies

18-0701-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0701-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 22-4

18.07.02, Reserve Liabilities and Minimum Valuations for Annuities and Pure Endowment Contracts

18-0702-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0702-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 02 – Bulletin Vol. 22-4

18.07.03, Valuation of Life Insurance Policies Including the Use of Select Mortality Factors

18-0703-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0703-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 03 – Bulletin Vol. 22-4

18.07.08, Property and Casualty Actuarial Opinion Rule

18-0708-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0708-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 08 – Bulletin Vol. 22-4

18.07.09, Life and Health Actuarial Opinion and Memorandum Rule

18-0709-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0709-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 07, Chapter 09 – Bulletin Vol. 22-4

18.08.02, Fire Protection Sprinkler Contractors

18-0802-2201 Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)

18-0802-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-7

18-ZBRR-2201 *Rules of the Idaho Department of Insurance* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 08, Chapter 02 – Bulletin Vol. 22-4

IDAPA 20 – DEPARTMENT OF LANDS

20.02.14, Rules for Selling Forest Products on State-Owned Endowment Lands

20-0214-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)

20-0214-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9

20-0214-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-3

20.03.17, Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands

20-0317-2201* Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)

*Renames chapter from: “*Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands,*”
to: “*Rules Governing Leases On State-Owned Navigable Waterways*”

20-0317-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-9

20-0317-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

IDAPA 21 – DIVISION OF VETERANS SERVICES

21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure

21-0101-2201 Adoption of Pending Rule, Bulletin Vol. 23-1 (PLR 2023)

21-0101-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-11

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – Adopts Title 03, Chapter 01; Title 06, Chapter 01; Title 09, Chapter 01; Title 10, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 17, Chapter 01; Title 19, Chapter 01; Title 23, Chapter 01; Title 24, Chapter 01; Title 26, Chapter 01; Title 27, Chapter 01; Title 31, Chapter 01; Title 33, Chapters 01, 02, 04-07; Title 34, Chapter 01; and Title 36, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – Proposes Title 03, Chapter 01; Title 06, Chapter 01; Title 09, Chapter 01; Title 10, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 17, Chapter 01; Title 19, Chapter 01; Title 23, Chapter 01; Title 24, Chapter 01; Title 26, Chapter 01; Title 27, Chapter 01; Title 31, Chapter 01; Title 33, Chapters 01, 02, 04-07; Title 34, Chapter 01; and Title 36, Chapter 01 – Bulletin Vol. 22-10

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01; Title 06, Chapter 01; Title 09, Chapter 01; Title 10, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 17, Chapter 01; Title 19, Chapter 01; Title 23, Chapter 01; Title 24, Chapter 01; Title 26, Chapter 01; Title 27, Chapter 01; Title 31, Chapter 01; Title 33, Chapters 01, 02, 04-07; Title 34, Chapter 01; and Title 36, Chapter 01 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – Adopts Title 01, Chapter 01; Title 04, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 18, Chapter 01; Title 21, Chapter 01; Title 22, Chapter 01; Title 25, Chapter 01; Title 28, Chapter 01; Title 29, Chapter 01; Title 30, Chapter 01; Title 32, Chapter 01; Title 37, Chapter 01; and Title 39, Chapters 20, 31, 40, 50, 70, 90 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – Proposes Title 01, Chapter 01; Title 04, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 18, Chapter 01; Title 21, Chapter 01; Title 22, Chapter 01; Title 25, Chapter 01; Title 28, Chapter 01; Title 29, Chapter 01; Title 30, Chapter 01; Title 32, Chapter 01; Title 37, Chapter 01; and Title 39, Chapters 20, 31, 40, 50, 70, 90 – Bulletin Vol. 22-10

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01; Title 04, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 18, Chapter 01; Title 21, Chapter 01; Title 22, Chapter 01; Title 25, Chapter 01; Title 28, Chapter 01; Title 29, Chapter 01; Title 30, Chapter 01; Title 32, Chapter 01; Title 37, Chapter 01; and Title 39, Chapters 10, 20, 30, 31, 40, 50, 70, 90 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01; Title 12, Chapter 01; Title 23, Chapter 01; Title 30, Chapter 01; Title 34, Chapter 01; Title 35, Chapter 01; and Title 39, Chapters 10, 30 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01; Title 12, Chapter 01; Title 17, Chapter 01; Title 23, Chapter 01; Title 25, Chapter 01; Title 26, Chapter 01; Title 30, Chapter 01; Title 34, Chapter 01; Title 35, Chapter 01; and Title 39, Chapters 10, 20, 30, 70 – Bulletin Vol. 22-5

24.02.01, Rules of the State Athletic Commission

24-0201-2200F *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – Adopts Title 02, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0201-2200F *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – Proposes Title 02, Chapter 01 – Bulletin Vol. 22-10

24-0201-2200F *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-2200F *Rules of the Board of Drinking Water and Wastewater Professionals* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – Adopts Title 05, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0501-2200F *Rules of the Board of Drinking Water and Wastewater Professionals* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – Proposes Title 05, Chapter 01 – Bulletin Vol. 22-10

24-0501-2200F *Rules of the Board of Drinking Water and Wastewater Professionals* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24.10.01, Rules of the State Board of Optometry

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 10, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 10, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 01 – Bulletin Vol. 22-5

24.12.01, Rules of the Idaho State Board of Psychologist Examiners

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 12, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 12, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 22-5

24.17.01, Rules of the State Board of Acupuncture

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 17, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 17, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 17, Chapter 01 – Bulletin Vol. 22-5

24.23.01, Rules of the Speech, Hearing and Communication Services Licensure Board

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 23, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 23, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 23, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 23, Chapter 01 – Bulletin Vol. 22-5

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 25, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 25, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 25, Chapter 01 – Bulletin Vol. 22-5

24.26.01, Rules of the Idaho Board of Midwifery

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 26, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 26, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 26, Chapter 01 – Bulletin Vol. 22-5

24.30.01, Idaho Accountancy Rules

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 30, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2202F *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 30, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 10, Chapter 30 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 30, Chapter 01 – Bulletin Vol. 22-5

24.34.01, Rules of the Idaho Board of Nursing

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 34, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-0000-2201F *Rules of the Division of Occupational and Professional Licenses (health care related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 34, Chapter 01 – Bulletin Vol. 22-10

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 34, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 34, Chapter 01 – Bulletin Vol. 22-5

24.35.01, Rules of the Outfitters and Guides Licensing Board

24-3501-2201 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)

24-3501-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9

24-3501-2200 *Rules of the Outfitters and Guides Licensing Board* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 35, Chapter 01 – Bulletin Vol. 22-8 (eff. 8-1-22)T

24-3501-2200 *Rules of the Outfitters and Guides Licensing Board* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 35, Chapter 01 – Bulletin Vol. 22-7 (eff. 7-1-22)T

24-ZBRR-2201* *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 35, Chapter 01 – Bulletin Vol. 22-7

24-ZBRR-2201 *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 35, Chapter 01 – Bulletin Vol. 22-5

24.38.01, Rules of the State of Idaho Board of Veterinary Medicine

24-3801-2200F *Rules of the Idaho Board of Veterinary Medicine* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – Adopts Title 38, Chapter 01 – Bulletin Vol. 22-12 (PLR 2023)

24-3801-2200F *Rules of the Idaho Board of Veterinary Medicine* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – Proposes Title 38, Chapter 01 – Bulletin Vol. 22-10

24-3801-2200F *Rules of the Idaho Board of Veterinary Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 38, Chapter 01 – Bulletin Vol. 22-6 (eff. 3-31-22)T

24.39.10, Rules of the Idaho Electrical Board

- 24-3910-2201** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
- 24-3910-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-9

- 24-ZBRR-2201*** *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 39, Chapter 10 – Bulletin Vol. 22-7
- 24-ZBRR-2201** *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 39, Chapter 10 – Bulletin Vol. 22-5

24.39.20, Rules Governing Plumbing

- 24-0000-2202F** *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 39, Chapter 20 – Bulletin Vol. 22-12 (PLR 2023)
- 24-0000-2202F** *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 39, Chapter 20 – Bulletin Vol. 22-10
- 24-ZBRR-2201** *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 39, Chapter 20 – Bulletin Vol. 22-5

24.39.30, Rules of Building Safety (Building Code Rules)

- 24-3930-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-9
- 24-ZBRR-2201*** *Rules of the Division of Occupational and Professional Licenses* – (*Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 39, Chapter 30 – Bulletin Vol. 22-7
- 24-ZBRR-2201** *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 39, Chapter 30 – Bulletin Vol. 22-5

24.39.70, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

- 24-0000-2202F** *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Adoption of Pending Fee Rule – ZBR Chapter Rewrite of Title 39, Chapter 70 – Bulletin Vol. 22-12 (PLR 2023)
- 24-0000-2202F** *Rules of the Division of Occupational and Professional Licenses (occupations, building, construction, and real estate related)* – Notice of Omnibus Rulemaking – Proposed (Fee) Rule – ZBR Chapter Rewrite of Title 39, Chapter 70 – Bulletin Vol. 22-10
- 24-ZBRR-2201** *Rules of the Division of Occupational and Professional Licenses* – Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking – Negotiates Title 39, Chapter 70 – Bulletin Vol. 22-5

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.30, Idaho Safe Boating Rules

- 26-0130-2201** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 23-1 (PLR 2023)
- 26-0130-2201** Notice of Temporary and Proposed Rule (Chapter Repeal), Bulletin Vol. 22-9 (eff. 10-1-22)T

26.01.34, Idaho Protection Against Invasive Species Sticker Rules

- 26-0134-2201** Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31.61.01, Rules for the Measurement of Stray Current or Voltage (The Stray Voltage Rules)

- 31-6101-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)
- 31-6101-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7
- 31-6101-2201** Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

31.81.01, Energy Consumption Reporting Rules

- 31-8101-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-10 (PLR 2023)

- 31-8101-2201** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-7
31-8101-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

IDAPA 35 – STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

- 35-0101-2202** Adoption of Pending Rule (ZBR Chapter Rewrite 2 of 2, Sections 300-699), Bulletin Vol. 22-12 (PLR 2023)
35-0101-2202 Notice of Proposed Rulemaking (ZBR Chapter Rewrite 2 of 2, Sections 300-699), Bulletin Vol. 22-10

35-0101-2201 Adoption of Pending Rule (ZBR Chapter Rewrite 1 of 2, Sections 000-299 and 700-999), Bulletin Vol. 22-12 (PLR 2023)
35-0101-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite 1 of 2, Sections 000-299 and 700-999), Bulletin Vol. 22-10
35-0101-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

35.01.09, Idaho Beer and Wine Taxes Administrative Rules

- 35-0109-2201** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
35-0109-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-8
35-0109-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-2201** Adoption of Pending Rule, Bulletin Vol. 22-12 (PLR 2023)
35-0201-2201 Notice of Proposed Rulemaking, Bulletin Vol. 22-8

IDAPA 36 – IDAHO BOARD OF TAX APPEALS

36.01.01, Idaho Board of Tax Appeals Rules

- 36-0101-2200** *Idaho State Board of Tax Appeals* – Notice of Omnibus Rulemaking – Adoption of Pending Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 22-10 (PLR 2023)
36-0101-2200 *Idaho State Board of Tax Appeals* – Notice of Omnibus Rulemaking – Temporary and Proposed Rulemaking – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 22-7 (eff. 7-1-22)T

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37.02.03, Water Supply Bank Rules

- 37-0203-2201** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
37-0203-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10
37-0203-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-3

37.03.04, Drilling for Geothermal Resources Rules

- 37-0304-2201** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
37-0304-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10
37-0304-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-3

37.03.05, Mine Tailings Impoundment Structures Rules

- 37-0305-2201** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
37-0305-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10
37-0305-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-5

37.03.06, Safety of Dams Rules

- 37-0306-2201** Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
37-0306-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10
37-0306-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-5

37.03.10, Well Driller Licensing Rules

- 37-0310-2201 Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
- 37-0310-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-10
- 37-0310-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38.04.06, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities

- 38-0406-2201* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-11 (PLR 2023)
- 38-0406-2201* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9
*Renames chapter from: “Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities,” to: “Rules Governing Use of State Property in the Capitol Mall, Multi-Agency Facilities, and Other State Properties”

38.04.07, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities

- 38-0407-2201 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 22-11 (PLR 2023)
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- 38-0408-2201 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 22-4 (eff. 3-31-22)T

38.04.09, Rules Governing Use of the Chinden Office Complex

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- 38-0409-2201 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 22-9

38.05.01, Rules of the Division of Purchasing

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- 38-0501-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 22-9
- 38-0501-2201 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-7

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- 39-0222-2201* Adoption of Pending Fee Rule (ZBR Chapter Rewrite), Bulletin Vol. 22-12 (PLR 2023)
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- 57-0101-2201 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 22-9
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