

**EDUCATION COMMITTEE**  
**ADMINISTRATIVE RULES REVIEW**  
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**2011 Legislative Session**

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# **IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION**

## **08.01.11 - REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS**

**DOCKET NO. 08-0111-1001**

### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105, 33-2402, and 33-2403, Idaho Code.

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

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 118 through 128.](#)**

**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 Tracie Bent, Chief Planning, Policy, & HR Officer, (208)332-1582.

DATED this November 18, 2010.

Tracie Bent  
Chief Planning, Policy and HR Officer  
State Board of Education  
650 West State Street  
PO Box 83720  
Boise, ID 83720-0037  
(208) 332-1582 phone  
(208) 334-2632 FAX

**THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-2402, and 33-2403, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

The proposed changes to IDAPA 08.01.11 corrects references and provides general language clean up. Additionally, changes to Section 100 (Recognition of Accreditation Organizations) eliminates the listing of the specific regional accrediting entities that are recognized by both the United States Department of Education and the Council for Higher Education Accreditation, simplifying the language and stating that the Board recognizes regional and institutional accreditation organizations that are recognized by and in good standing with both of these entities.

Other changes eliminate the requirement for a new application should a postsecondary educational institution or proprietary school wish to add courses during the registration period, changing the requirement to a notification of the additional courses. Additionally, it will be required that all advertising material for proprietary schools must accurately represent the purpose of the school.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the non-controversial nature of this rule. The proposed language was worked on by Board staff and is clean up or clarification of existing language. Clarifying language is a direct result of stakeholder input.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at 332-1582.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0111-1001**

**100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.**

~~Registration of Post-Secondary Educational Institutions.~~ For purposes of registration of post-secondary educational institutions, the Board recognizes the regional and institutional accreditation organizations ~~listed in Subsections 100.01 through 100.06, below. In addition, the Board recognizes institutional accreditation organizations which are also~~ that are recognized by and in good standing with both the United States Department of Education and by the Council for Higher Education Accreditation, and which accredit entire colleges or universities, and which do not accredit only courses or courses of study (such as specialized accreditation organizations). Further, the Board may recognize other accreditation organizations on a case-by-case basis. A request for recognition of other accreditation organizations for purposes of registration should be made to the Board's Chief Higher Education Academic Officer, who will review and evaluate the request with the input and advice of the Board's Committee on Academic Affairs and Programs (CAAP). The Board will make a final decision based on such evaluation and review.

~~(4-9-09)( )~~

~~01. Middle States Association of Schools and Colleges (MSA), Commission on Higher Education. Accredits institutions of higher education in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands.~~

~~(4-9-09)~~

~~02. New England Association of Schools and Colleges, Commission on Institutions of Higher Education (NEASC-CIHE). Accredits institutions of higher education in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.~~

~~(4-9-09)~~

~~03. North Central Association of Colleges and Schools, The Higher Learning Commission (NCA-HLC). Accredits degree-granting institutions of higher education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming, including schools of the Navaho Nation.~~

~~(4-9-09)~~

~~04. Northwest Commission on Colleges and Universities (NWCCU). Accredits post-~~

~~secondary educational institutions in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington. (4-9-09)~~

~~05. Southern Association of Colleges and Schools (SACS), Commission on Colleges. Accredits degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. (4-9-09)~~

~~06. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (WASC ACSCU). Accredits senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands. (4-9-09)~~

101. -- 199. (RESERVED).

## 200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

**01. Delegation.** Section 33-2403, Idaho Code, provides that a proprietary school post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its executive director, or his designee, and the Office of the State Board of Education to administer the registration of proprietary schools post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-10)( )

**02. Registration Requirement.** (4-9-09)

**a.** Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. An institution shall not solicit students on behalf of such institution, or advertise in this state, unless registered. (3-29-10)

**b.** Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

**c.** 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. (4-9-09)

**03. Idaho Presence.** An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-9-09)

**04. Institutions Exempt from Registration.** (4-9-09)

**a.** Idaho public post-secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-9-09)

**b.** Certain Idaho private, not for profit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the effective date of this rule and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. (4-9-09)

**05. Institutions that Must Register.** (4-9-09)

**a.** Out-of-state public post-secondary educational institutions. A public institution that is supported primarily by taxation from another state, or from a local source not within the state of Idaho, must register as provided herein. (4-9-09)

**b.** Out-of-state private, nonprofit, post-secondary educational institutions. An out-of-state private, nonprofit, post-secondary educational institution must register as provided herein. (4-9-09)

**c.** Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is located within the state of Idaho, but that is not exempt under Subsection 200.04.b. of this rule, must register as provided herein. (4-9-09)

**d.** For-profit post-secondary educational institutions. A post-secondary educational institution that operates for profit, or which is an operating subsidiary of a publicly or privately held corporation that operates for profit, must register as provided herein. (4-9-09)

**06. Alternative to Registration Requirement for Certain Post-Secondary Institutions.** (3-29-10)

**a.** A post-secondary educational institution that demonstrates to the satisfaction of the Board that its primary mission and objectives are to offer courses or courses of study that do not lead to the awarding of degrees, may instead register as a proprietary school, in accordance with Section 300 of this rule. (4-9-09)

**b.** A request to register as a proprietary school must be submitted in writing to the Board by the first business day of December preceding a registration year. A decision on such request will be issued by the Board within thirty (30) days after it is received. A request to register as a proprietary school must be made on an annual basis. (4-9-09)

**07. Application.** A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an

application for initial registration or renewal of registration, as applicable), on the form provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (3-29-10)

**08. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous registration year, but not less than one hundred dollars (\$100) **and** not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are not refundable. ~~(3-29-10)~~( )

**09. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes a registration year. (4-9-09)

**10. Information Required.** Such application must include the information requested on the application form, as well as the following information: (4-9-09)

**a.** If an institution that is required to register under this rule is accredited by an accreditation organization recognized by the Board in Section 100 of this rule, such institution must submit documentation demonstrating that it has received accreditation status, and that it will maintain its accreditation from such agency during the entire registration year. An institution that is so accredited qualifies for a streamlined registration process, and will not be required to submit information and/or documentation that documents compliance with Standards I through V, set forth in Section 201 of this rule. Such institution must submit the following information or documentation, or both, with its application for registration: (3-29-10)

- i. Copy of most recent accreditation ~~report~~ **letter showing the period of approval;** ~~(4-9-09)~~( )
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- ~~iii. Most recent copy of strategic plan;~~ ~~(4-9-09)~~
- ~~i~~ii. Enrollment data for current and past two (2) years; (4-9-09)
- ~~i~~v. Copy of annual audited financial statement; (4-9-09)
- ~~v~~i. Any additional information that the Board may request. (4-9-09)

**b.** All other institutions applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards I through V, set forth in Section 201 of this rule. (3-29-10)

c. 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 200.08 of this rule, shall remain applicable. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**202. THE BOARD MAY NOTIFY THE POST-SECONDARY EDUCATIONAL INSTITUTION OF ADDITIONAL INFORMATION REQUIRED.**

If the Board is unable to determine the nature and activities of an institution on the basis of the information provided by the institution under this rule, then the Board may notify the institution of additional information that it will be required to provide in connection with the application for registration. (4-9-09)

**01. Verification of Information.** The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. (4-9-09)

**02. Criteria for Approval of Registration.** To be approved for registration, the institution must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-9-09)

**03. Public Information.** All information submitted to the Board in connection with the application is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-9-09)

**04. Certificate of Registration. ( )**

**a.** A certificate of registration will be issued to a post-secondary educational institution that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution or any of its courses, courses of study, or degrees. (4-9-09)( )

**b.** If a post-secondary educational institution wishes to offer additional courses, courses of study, or degrees during a registration year that were not included in its annual registration application to the Board, then the institution must submit a letter to the Board Office along with documentation of its accrediting agency's approval of those specific curriculum changes. ( )



**05. Disapproval and Appeal.** If a post-secondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the office within thirty (30) days of the date the institution is notified of the disapproval. (4-9-09)

**06. Withdrawal of Approval.** (4-9-09)

**a.** The Board may refuse to renew, or may revoke or suspend approval of, an institution's registration by giving written notice and the reasons therefore to the institution. The institution may request a hearing relating to such decision under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-9-09)

**b.** Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)

iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board Office has been received. (4-9-09)

**c.** If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board Office of this event. (4-9-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.**

The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. (4-9-09)

**01. Standard I - Legal Status and Administrative Structure.** The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. (4-9-09)

**a.** The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval ~~by PTE.~~ (4-9-09)( )

**b.** The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

**c.** Each owner, agent, and school official must be appropriately qualified to ensure courses are of high quality and the rights of students are protected. (4-9-09)

**d.** Written Ppolicies must ~~have been~~ be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-9-09)( )

**e.** Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. (4-9-09)

**f.** 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, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll. ( )

**02. Standard II - Courses or Courses of Study.** Instruction must be the primary focus of the school, and all instructional activities must be clearly related to the achievement of the stated instructional objectives. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (4-9-09)

**a.** The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study will be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (4-9-09)

**b.** Written course descriptions must be developed for all courses or courses of study including: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions and course descriptions must be provided to instructors. Instructors must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-9-09)

**c.** The school must assure that a course or courses of study will be offered with

sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. (4-9-09)

**d.** The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information must be provided in written form to students, and the refund policy must also be given to students in writing. (4-9-09)

**e.** 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, job opportunities, and other relevant information to assist students in making an informed decision to enroll. The school must provide to each prospective student, newly-enrolled student, and returning student, complete and clearly presented information indicating the school's current completion and job placement rate. (4-9-09)

**03. Standard III - Student Support Services.** The school must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (4-9-09)

**a.** The school must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course or courses of study and the capacity of the school to provide instructional and other support services the student needs to complete the program. (4-9-09)

**b.** There must be a clearly defined policy for the readmission of students dismissed from the school. The readmission of students dismissed under this policy must be consistent with the recognized standards of admission to the school. (4-9-09)

**c.** The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (4-9-09)

**d.** The school must provide written information to prospective students prior to enrollment to include the following: (4-9-09)

i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)

ii. Completion requirements for the courses or courses of study; (4-9-09)

iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)

iv. Cancellation and refund policies; (4-9-09)

- v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)
  - vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)
  - vii. A complete list of instructors and their qualifications; (4-9-09)
  - viii. A listing of available student services; and (4-9-09)
  - ix. Other information about the courses or courses of study that are likely to affect the decision of the student to enroll in the school. (4-9-09)
- e.** Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-9-09)
- 04. Standard IV - Faculty Qualifications and Compensation.** (4-9-09)
- a.** Instructor qualifications (training and experience) must be described and the assigned location for each instructor must be identified. (4-9-09)
  - b.** There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)
  - c.** The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)
  - d.** Commissions may not be used for any portion of the faculty compensation. (4-9-09)
  - e.** Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources.** (4-9-09)
- a.** Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including teaching facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (4-9-09)
  - b.** The school must have sufficient resources so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements with another proprietary school to have students complete a comparable course or courses of study (a teach-out provision). (4-9-09)

c. Financial records and reports of the school must be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. (4-9-09)

d. The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. (4-9-09)

e. If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)

**302. THE BOARD MAY NOTIFY THE PROPRIETARY SCHOOL OF ADDITIONAL INFORMATION REQUIRED.**

If the Board is unable to determine the nature and activities of a school on the basis of the information provided by the school under this rule, then the Board may notify the school of additional information that it will be required to provide in connection with the application for registration. (3-29-10)

**01. Verification of Information.** The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant school shall be responsible for any costs PTE incurs including travel, associated with this review. (3-29-10)

**02. Criteria for Approval or Denial of Registration.** To be approved for registration, the school must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule, including all of the standards described in Section 301 of this rule. A school must remain in compliance for the registration year. (3-29-10)

**03. Public Information.** All information submitted to the Board is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-10)

**04. Certificate of Registration.** (4-9-09)

a. A certificate of registration will be issued to a proprietary school that has paid its registration fee and been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No school that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is "Registered with Idaho ~~Division of Professional-Technical~~ State Board of Education." Registration is not an endorsement of the school. (~~3-29-10~~)( )

b. If a school wishes to offer additional courses or courses of study during the course of a registration year that were not included in its application to the Board prior to issuance of the certificate of registration, then the school ~~may~~ **must** submit a ~~supplemental application letter~~ to the Board, ~~on a form approved by PTE, and pay any additional registration fees that are applicable. If approved, the Board will issue a revised certificate of registration evidencing such approval~~ **Office along with appropriate approval documentation by the applicable professional or trade board, council, or commission. This letter will be added to the school's registration file.** (3-29-10)( )

**05. Disapproval and Appeal.** If a proprietary school's request for initial registration or a renewal of registration is disapproved by the Board, then the school may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the Board within thirty (30) days of the date the school is notified of the disapproval. (3-29-10)

**06. Withdrawal of Approval.** (4-9-09)

a. The Board may refuse to renew, or may revoke or suspend approval of a school's registration by giving written notice and the reasons therefore to the school. The school may request a hearing under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-29-10)

b. Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule. (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to the Board. (3-29-10)

iii. Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (3-29-10)

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify the Board of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately ~~notify~~ **provide written notice to** the Board of this event. (3-29-10)( )

**07. Agent's Certificate of Identification.** Each proprietary school shall ensure that its agents have a valid certificate of identification, and that all of its agents are in compliance with Section 33-2404, Idaho Code. The school shall complete a criminal history check that includes, at a minimum, the State Bureau of Identification, and statewide sex offender registry for each agent having unsupervised contact with minors in the minor's home or at secondary schools, prior to making application for the agent's certificate of identification. The criminal history check shall be valid for five (5) years **and be kept on file by the school.** When an employee returns to any proprietary school after a break in service of six (6) months or more a new criminal history check

must be obtained. When an employee changes employment between proprietary schools, a new criminal history check must be obtained by the new employer. (~~3-29-10~~)( )

**a.** The Board shall revoke any agent's certificate of identification issued or authorized under this Section and shall deny the application for issuance of a new certificate of identification of a person who pleads guilty to, or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

(3-29-10)

i. The aggravated assault of a child, Section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, Section 18-909, Idaho Code. (3-29-10)

ii. The aggravated battery of a child, Section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, Section 18-911, Idaho Code. (3-29-10)

iii. The injury or death of a child, Section 18-1501, Idaho Code. (3-29-10)

iv. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code. (3-29-10)

v. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. (3-29-10)

vi. The sexual exploitation of a child, Section 18-1507, Idaho Code. (3-29-10)

vii. Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. (3-29-10)

viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. (3-29-10)

ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. (3-29-10)

x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. (3-29-10)

xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. (3-29-10)

xii. The kidnapping of a child, Section 18-4502, Idaho Code. (3-29-10)

xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. (3-29-10)

xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. (3-29-10)

xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. (3-29-10)

**b.** The general classes of felonies listed in Section 302 shall include equivalent laws of federal or other state jurisdictions. For the purpose of Subsection 302.07, “child” means a minor or juvenile as defined by the applicable state or federal law. (3-29-10)

**08. Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-9-09)

**a.** The amount of the surety bond shall be not less than the total tuition and fees to be collected by the school from its students that covers the period from the beginning through completion of such students’ instructional program at the school during the upcoming registration year. This amount shall be based upon the tuition and fees collected by the school from its students covering such period during the previous registration year, subject to modification in the event a school is beginning operations and has no previous revenue or satisfactorily demonstrates that it expects significant changes in tuition and fee revenue during the upcoming year. The Executive Director shall determine the appropriate format and method by which this bond value is to be calculated and reported. (3-29-10)

**b.** Schools shall ensure that all bonds include “extended coverage” clauses to remain in effect for one hundred twenty (120) days after the date of closure. (3-29-10)

**c.** No party to the surety bond may cancel without one hundred twenty (120) day prior notice to all parties, including the Office of the State Board of Education. (3-29-10)

**d.** The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools shall provide proof of the required bond and submit said documentation with their registration applications. (3-29-10)



# IDAPA 08 - STATE BOARD OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1002

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105, 33-107, and 33-1614, Idaho Code.

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

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 129 through 131](#).**

**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 Tracie Bent, Chief Planning, Policy, & HR Officer, (208)332-1582.

DATED this November 18, 2010.

Tracie Bent  
Chief Planning, Policy and HR Officer  
State Board of Education  
650 West State Street  
PO Box 83720  
Boise, ID 83720-0037  
(208) 332-1582 phone  
(208) 334-2632 FAX

**THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, and 33-1614 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, no later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

**The proposed changes move the current technology requirements to a more logical location within the rule and add requirements for the Idaho Comprehensive Literacy assessment, bringing the rule into alignment with the statute.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the non-controversial nature of this rule. **The proposed language was worked on by Board and Department staff with input from Idaho public colleges of education.**

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at 332-1582.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1002**

**008. -- 0101. (RESERVED).**

**~~011. TECHNOLOGY STANDARDS.~~**

~~The proliferation of technology in our daily lives makes it essential that certificated educators are technologically literate. The State Board of Education has established a statewide goal that teachers and administrators be trained in the use of technology for education. (5-3-03)~~

~~**01. Preservice Competency.** All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate proficiency in relevant technology skills and practices to enhance classroom management and instruction as evidenced by the technology requirements of the teacher preparation program. (4-2-08)~~

~~**02. Out-of-State Applicants.** Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve his technology skills. (4-2-08)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. IDAHO INTERIM CERTIFICATE.**

**01. Issuance of Interim Certificate.** The State Department of Education is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement. An interim certificate is nonrenewable except under extenuating circumstances. (4-2-08)

**a. Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved reading instruction course shall be a one-time requirement for full certification. ( )

**b. Technology.** Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve their technology skills. ( )

**02. Foreign Institutions.** An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the "Accredited Institutions of

Postsecondary Education” and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three (3) year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.**

**01. Assessments.** State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho’s classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval. (4-2-08)

**02. Out-of-State Waivers.** An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate. (4-2-08)

**03. Idaho Comprehensive Literacy Assessment.** All applicants for initial Idaho certification (Kindergarten through grade twelve (12)) from an Idaho approved teacher education program must demonstrate competency in comprehensive literacy. Areas to be included as parts of the assessment are: phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and assessments and intervention strategies. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure teaching skills and knowledge congruent with current research on best literacy practices for elementary students or secondary students (adolescent literacy) dependent upon level of certification and English Language Learners. In addition the assessment must measure understanding and the ability to apply strategies and beliefs about language, literacy instruction, and assessments based on current research and best practices congruent with International Reading Association/National Council of Teachers of English standards, National English Language Learner’s Association professional teaching standards, National Council for Accreditation of Teacher Education standards, and state accreditation standards. ( )

**04. Technology Assessment.** All applicants for initial Idaho certification (Kindergarten through grade twelve (12)) from an Idaho approved teacher education program must demonstrate proficiency in relevant technology skills and practices to enhance classroom management and instruction. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure understanding and the ability to apply strategies and beliefs about the integration of technology based on current research and best practices congruent with the International Society for Technology in Education professional teaching standards, the National Council for Accreditation of Teacher Education standards, and state accreditation standards. ( )

# IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1003

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**004.01 - The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. Standards were reviewed and approved for the following areas: Idaho K-12 Mathematics Content, Elementary Education Teachers, Pre-service Technology, Foundation Standards for Science Teachers and the Enhancement Standards (Biology, Chemistry, Earth and Space Science, Natural Science, Physical Science, and Physics), Foundation Standards for Social Studies Teachers and the Enhancement Standards (Economics, Geography, Government and Civics, and History), Idaho School Social Work, Foundation Standards for Visual and Performing Arts Teachers and the Enhancement Standards. Standards are incorporated by reference.**

**004.03 - The proposed Operating Procedures for the Idaho Public Driver Education Programs manual are better aligned with national standards for Driver Education and Training programs. The documents clarifies procedures and identifies the responsibilities of School Districts that contract with a commercial driver education company to provide driver education services to their students.**

**018.04 - Currently, there is no requirement for a K-8 certified teacher to hold any type of endorsement or have content competency in another subject area outside of the Elementary core content. In most cases, this means that a K-8 certified teacher can only teach a self-contained elementary school class through 6th grade; which contradicts the purpose for Idaho continuing to support the K-8 certificate. Under the current federal requirements, holding only an elementary certificate does not give rural school districts the flexibility for which the K-8 certificate was designed. In addition, in hard to fill positions, there are often not enough 6-12 certificated teachers to meet the needs of middle schools. Unfortunately, at this time K-8 certified teachers are not properly prepared to teach single subject classrooms.**

This change will assist districts in moving teachers between elementary and middle school as necessary by requiring an area of expertise that can be used in the middle grades. It will also provide newly prepared teachers with more options and greater flexibility.

**022.03** - The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel along with the corresponding rubrics, endorsement requirements and Praxis exams. In 2010 the Idaho Foundation Standards for Visual and Performing Arts Teachers and the Enhancement Standards (Visual Art, Drama, and Music) with the corresponding endorsement requirements were reviewed by a committee of content experts. The endorsement requirements were revised to better align with national standards and best practices, and then presented to the Professional Standards Commission for review. The Professional Standards Commission has recommended for approval the committee's proposed revisions of the endorsements.

This rule clarification better articulates the intent of the endorsement language. There were no substantive changes made to the endorsement.

**023.10** - At the request of school districts and superintendents throughout the State, the Professional Standards Commission has researched and is recommending that a Kindergarten through Twelfth grade (K-12) option be added to the current Health (6-12) endorsement. The addition of the (K-12) option would allow for more flexibility in teaching assignments, especially for those teachers who already hold a Physical Education (K-12) endorsement.

In order to obtain the (K-12) endorsement, teachers must satisfy the requirements of the (6-12) endorsement and additionally complete coursework in Elementary Education methods and health content. The proposed revision of the standards reflects the intent of the proposed revision to the endorsement.

**024.04 and 24.05** - This rule clarification is in response to the need for a more clearly stated intent of the endorsement language. There were no substantive changes made to the endorsement.

**027.02** - This endorsement was reviewed and revised by a panel of experts in December of 2007 at which time they recommended that all candidates seeking the School Psychologist Endorsement undergo a minimum twelve hundred (1,200) clock-hour internship with a school district under the supervision of the training institution and with direct supervision of a certificated school psychologist regardless of which of the three optional routes they choose.

The manner in which the endorsement language is unclear and allows for interpretation that only candidates seeking "Option C" of the endorsement are required to serve a 1,200 clock-hour internship. All Idaho institutions offering the School Psychologist Endorsement currently require every candidate to serve the 1,200 clock-hour internship in accordance with the endorsement. By making this revision to the endorsement language, the intent of the review panel and current and best practices will be more accurately reflected.

**028.03** - Currently, the state is experiencing a shortage of special education teachers that hold the appropriate certification to teach in preschools. While the early childhood/blended certificate is meeting some of the need, districts have requested other options for certifying teachers, particularly to meet the needs of rural districts where university programs are not accessible.

University faculty of early childhood/blended certification programs were asked to provide solutions to the shortage, and are progressing toward making their traditional programs more accessible. However, after over two years of study, the Professional Standards Commission is recommending the addition of this endorsement to meet the stated need.

**033** - The unprecedented demand for online teachers prompted the state to first create standards for those who teach online and have an optional endorsement.

**230**- Last year the State Board of Education approved the revised Operating Procedures for Idaho Public Driver Education Programs. These changes were taken to public comment and revised before resubmitting to the State Board of Education for final approval. The Idaho Legislature did not approve the revisions resulting in the State Department of Education resubmitting these rules for approval at this time. The primary purpose cited for the Legislature not approving the Operating Procedures for Idaho Public Driver Education Programs was due to unclear guidelines relating to the relationship between commercial driving schools and the State Department of Education. The current draft of the Operating Procedures for Idaho Public Driver Education Programs addresses those concerns.

The Idaho State Board of Education approved this docket on November 17, 2010.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 132 through 145.](#)

**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

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

**IDAPA 08.02.02.004** incorporates Content Standards and Certification Standards into this rule. Copies of the Content Standards can be found at <http://www.boardofed.idaho.gov>.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Camille Wells at 208-332-6812.

DATED this 18th day of November, 2010.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State St, 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
phone: (208) 332-6812  
FAX: (208) 334-2228

***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-1254 and 33-1258, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Tuesday, October 12, 2010 -- 3:00 - 5:00 p.m. MDT**

**Len B. Jordan Building  
Second Floor  
Lewis & Clark Conference Room  
650 W. State Street, Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by calling into the public hearing (dial-in number: 1-888-767-9895; access code: 7349974) or via the State Department of Education website at <http://www.sde.idaho.gov/>

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

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

**The following content areas for pre-service teacher standards are incorporated by reference:**

**The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. In 2010 the Idaho Standards for Elementary Education Teachers were reviewed by a committee of content experts.**



The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. In 2010 the Idaho Standards for Mathematics Teachers were reviewed by a committee of content experts. The standards were revised to better align with the National Council of Teachers of Mathematics (NCTM) standards, as well as the National Common Core Mathematics Standards, and the Idaho K-12 Mathematics Content Standards.

In the past, Idaho teacher technology skills were verified by a standardized technology assessment. Due to the rapidly evolving nature of technology competencies, the assessment was quickly antiquated and retired. Technology competence remains an important component of teacher preparation and must be assessed. The Professional Standards Commission charged the experts on the Online Teacher Endorsement committee to establish a comprehensive set of Pre-Service Technology Standards that all teachers must know and be able to do. Through much research and discussion, the Online Teacher Endorsement Committee and the Professional Standards Commission drafted the proposed Pre-Service Technology Standards.

The Standards are aligned to the K-12 Idaho Communication and Technology (ICT) Standards, as well as the International Society for Technology in Education (ISTE) Standards. These Pre-Service Technology Standards will be assessed during the teacher preparation program approval process.

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. In 2009 the Idaho Foundation Standards for Science Teachers and the Enhancement Standards (Biology, Chemistry, Earth and Space Science, Natural Science, Physical Science, and Physics) were reviewed by a committee of content experts. The standards were revised to better align with national standards and best practices, then presented to the Professional Standards Commission for review.

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. In 2009 the Idaho Foundation Standards for Social Studies Teachers and the Enhancement Standards (Economics, Geography, Government and Civics, and History) were reviewed by a committee of content experts. The same committee also revised the Social Studies Endorsement in accordance with direction given from the US Department of Education, and brought forth changes to bring the integrated social studies endorsement into compliance with highly qualified status in all four of the core content areas.

The Professional Standards Commission is recommending for approval the proposed revisions as they are well aligned to national best practices and the needs of Idaho school districts.

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. In 2009 the Idaho School Social Work Standards were reviewed and revised by the School Social Work Association of Idaho (SSWAI). Members from the SSWAI presented their rationale and revisions to the Professional Standards Commission. The Professional

Standards Commission would like to recommend for approval the proposed revisions as they are well aligned to national best practices.

The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. In 2010 the Idaho Foundation Standards for Visual and Performing Arts Teachers and the Enhancement Standards (Visual Art, Drama, and Music) were reviewed by a committee of content experts. The standards were revised to better align with national standards and best practices.

004 - These proposed Operating Procedures for the Idaho Public Driver Education Programs manual are better aligned with national standards for Driver Education and Training programs compared to the current document. It specifies rules that have been unclear before, adds a few new rules that improve the service we offer Idaho teens and identifies the responsibilities of School Districts that contract with a commercial driver education company to provide driver education services to their students.

018- Currently, there is no requirement for a K-8 certified teacher to hold any type of endorsement or have content competency in another subject area outside of the Elementary core content. In most cases, this means that a K-8 certified teacher can only teach a self-contained elementary school class through 6th grade; which contradicts the purpose for Idaho continuing to support the K-8 certificate. Under the current federal requirements, holding only an elementary certificate does not give rural school districts the flexibility for which the K-8 certificate was designed.

Also, in hard to fill positions, there are often not enough 6-12 certificated teachers to meet the needs of middle schools. Unfortunately, at this time K-8 certified teachers are not properly prepared to teach single subject classrooms. This change will assist districts in moving teachers between elementary and middle school as necessary by requiring an area of expertise that can be used in the middle grades. It will also provide newly prepared teachers with more options and greater flexibility.

022 - The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel along with the corresponding rubrics, endorsement requirements and Praxis exams. In 2010 the Idaho Foundation Standards for Visual and Performing Arts Teachers and the Enhancement Standards (Visual Art, Drama, and Music) with the corresponding endorsement requirements were reviewed by a committee of content experts. The endorsement requirements were revised to better align with national standards and best practices, and then presented to the Professional Standards Commission for review. The Professional Standards Commission has recommended for approval the committee's proposed revisions of the endorsements. This rule clarification is in response to the need for a more clearly stated intent of the endorsement language. There were no substantive changes made to the endorsement.

023 - At the request of school districts and superintendents throughout the State, the Professional Standards Commission has researched and is recommending that a Kindergarten through Twelfth grade (K-12) option be added to the current Health (6-12)

endorsement. The addition of the (K-12) option would allow for more flexibility in teaching assignments, especially for those teachers who already hold a Physical Education (K-12) endorsement.

In order to obtain the (K-12) endorsement, teachers must satisfy the requirements of the (6-12) endorsement and additionally complete coursework in Elementary Education methods and health content. The proposed revision of the standards reflects the intent of the proposed revision to the endorsement.

024 - This rule clarification is in response to the need for a more clearly stated intent of the endorsement language. There were no substantive changes made to the endorsement.

027 - This rule clarification is in response to the need for a more clearly stated intent of the endorsement language. This endorsement was reviewed and revised by a panel of experts in December of 2007 at which time they recommended that all candidates seeking the School Psychologist Endorsement shall undergo a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist regardless of which of the three optional routes they choose. This recommendation being in-line with current and best practices was approved by the Professional Standards Commission, the State Board of Education, and the Idaho Legislature.

The manner in which the endorsement language is worded, unfortunately, allows for interpretation that only candidates seeking Option C. of the endorsement are required to serve a 1,200 clock-hour internship. All Idaho institutions offering the School Psychologist Endorsement currently require every candidate to serve the 1,200 clock-hour internship in accordance with the endorsement. By making this revision to the endorsement language, the intent of the review panel and current and best practices will be more accurately reflected.

028 - Currently, the state is experiencing a shortage of special education teachers that hold the appropriate certification to teach in preschools. While the early childhood/blended certificate is meeting some of the need, districts have requested other options for certifying teachers, particularly to meet the needs of rural districts where university programs are not accessible.

University faculty of early childhood/blended certification programs were asked to provide solutions to the shortage, and are progressing toward making their traditional programs more accessible. However, after over two years of study, the Professional Standards Commission is recommending the addition of this endorsement to meet the stated need.

033 - The unprecedented demand for online teachers prompted the state to first create standards for those who teach online and have an optimal endorsement.

230- Last year the State Board of Education approved the revised Operating Procedures for Idaho Public Driver Education Programs. These changes were taken to public comment and revised before resubmitting to the State Board of Education for final approval. The

Idaho Legislature did not approve the revisions resulting in the State Department of Education resubmitting these rules for approval at this time. The primary purpose cited for the Legislature not approving the Operating Procedures for Idaho Public Driver Education Programs was due to unclear guidelines relating to the relationship between commercial driving schools and the State Department of Education. The current draft of the Operating Procedures for Idaho Public Driver Education Programs addresses those concerns.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this proposed rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote and received approval.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

**IDAPA 08.02.02.004** incorporates Content Standards and Certification Standards into this rule. Copies of the Content Standards can be found at <http://www.boardofed.idaho.gov>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder at 332-6886 or [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1003**

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

01. ~~Incorporated Document.~~ The Idaho Standards for the Initial Certification of

Professional School Personnel as approved on ~~June 18, 2009~~ **November 17, 2010.** (3-29-10)

~~02. Document Availability.~~ Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-29-10)( )

~~032. Incorporated Document.~~ **The Standards for Idaho School Buses and Operations as approved on November 7, 2008.** (5-8-09)

~~04. Document Availability.~~ The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov>. (5-8-09)( )

~~053. Incorporated Document.~~ ~~The Idaho Standards for Public School Driver Education and Training~~ **Operating Procedures for Idaho Public Driver Education Programs** as approved on ~~August 1, 2004~~ **November 17, 2010.** (4-6-05)

~~06. Document Availability.~~ The ~~Idaho Standards for Public School Driver Education and Training~~ **Operating Procedures for Idaho Public Driver Education Programs** are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 **and can also be accessed electronically at [http://www.sde.idaho.gov/site/driver\\_edu/public\\_docs/Public%20Driver%20Education.pdf](http://www.sde.idaho.gov/site/driver_edu/public_docs/Public%20Driver%20Education.pdf).** (5-3-03)( )

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

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**018. STANDARD ELEMENTARY CERTIFICATE.**

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

**01. General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. (3-30-07)

**02. Professional Education Requirements.** (3-30-07)

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

content area. (3-16-04)

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

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

**04. ~~Ninth Grade~~ Area of Endorsement.** ~~If an~~ All individuals ~~with seeking~~ a Standard Elementary Certificate ~~shall~~ complete the requirements for a subject area endorsement as outlined under requirements for a Standard Secondary Certificate; ~~an~~ An endorsement allowing teaching of that subject through grade nine (9) ~~may~~ or a K-12 endorsement shall be added to the Standard Elementary Certificate. (~~3-16-04~~)( )

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**022. ENDORSEMENTS A - D.**

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

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

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

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

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

**04. Bilingual Education (K-12).** Twenty (20) semester credit hours to include six (6) upper division credits in Modern Languages, including writing and literature; three (3) semester credit hours in cross-cultural or multi-cultural course work; three (3) semester credit hours in ENL/Bilingual Methods; three (3) semester credit hours in Linguistics; three (3) semester credit hours in Foundations, Federal and State Law, Theory, Testing/identification of Limited English Proficient Students; one (1) semester credit hour in Bilingual Practicum; and one (1) semester credit hour in Bilingual Field Experience. (3-30-07)

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

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

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

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

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

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

**a.** Option I: Twenty (20) semester credit hours to include Methods of Teaching Speech/Communications plus course work in at least four (4) of the following areas: Interpersonal Communication/Human Relations; Argumentation/Personal Persuasion; Group Communications; Nonverbal Communication; Public Speaking; and Drama/Theater Arts. (3-16-04)

**b.** Option II: Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: Interpersonal Communication/Human Relations, Public Speaking, and Methods of Teaching Speech/Communication. (3-16-04)

~~**09. Communications/Drama (6-12).** Twenty (20) semester credit hours including a minimum of six (6) credit hours in each of the following areas: Communications and Drama. (3-16-04)~~

~~**10. Drama (6-12).** Follow one (1) of the following options: (4-11-06)~~

~~**a.** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Drama Teachers, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts, including course work in each of the following: Acting, Directing, and Technical Stage Production, and four (4) semester credit hours in Communications. To obtain a Drama (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theatre. (3-30-07)( )~~

~~b. Possess an endorsement in English plus a minimum of nine (9) semester credit hours including course work in each of the following: Acting, Directing, and Technical Stage Production. (4-11-06)~~

**11. Driver Education (6-12).** Two (2) semester credit hours in Basic Driver Education for Teachers and two (2) semester credit hours in any of the following: Advanced Driver Education; Driver Simulation Education; Traffic Engineering; General Safety Education; or Highway Transportation. Additionally, an individual must have three (3) years of satisfactory driving experience immediately prior to endorsement as verified by the Motor Vehicle Division of the State Department of Transportation. (3-16-04)

**023. ENDORSEMENTS E - L.**

**01. Earth Science (6-12).** Twenty (20) semester credit hours including course work in each of the following: Earth Science, Astronomy, and Geology. (4-11-06)

**02. Economics (6-12).** Twenty (20) semester credit hours to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of Personal Finance/ Consumer Economics/Economics Methods. Remaining course work may be selected from economics and finance course work in one (1) or more of the following areas: Agriculture Science and Technology, Business Education, Economics, Family and Consumer Science, or Marketing Education. (4-11-06)

**03. English (6-12).** Twenty (20) semester credit hours, including three (3) semester credit hours in Linguistics/Grammar, three (3) semester credit hours in American Literature, three (3) semester credit hours in English Literature, six (6) semester credit hours in Advanced Composition, excluding the introductory sequence designed to meet general education requirements. Remaining credits must be completed in the English Department, and must include some course work in Writing Methods for Teachers of Secondary Students. (3-16-04)

**04. English as a New Language (ENL) (K-12).** Twenty (20) semester credit hours to include four (4) semester credit hours in Modern Languages; three (3) semester credit hours in Cultural Diversity; three (3) semester credit hours in ENL Methods; three (3) semester credits in Linguistics; three (3) semester credit hours in Foundations, Federal and State Law, Theory, Testing/Identification of Limited English Proficient Students; one (1) semester credit in ENL Practicum or Field Experience; and three (3) semester credit hours in an ENL related elective. (3-30-07)

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

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



Family Consumer Science Methods. (3-16-04)

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

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

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

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

**09. Gifted and Talented (K-12).** Twenty (20) semester credit hours, to include a minimum of three (3) semester credits hours in each of the following: Foundations of Gifted and Talented Education; Creative/Critical Thinking Skills for Gifted and Talented Students; Social and Emotional Needs of Gifted and Talented Students; Curriculum and Instruction for Gifted and Talented Students; and Practicum and Program Design for Gifted and Talented Education. Remaining course work must be in the area of gifted education. (5-8-09)

**10. Health (6-12 or K-12).** Twenty (20) semester credit hours to include course work in Organization/Administration/Planning of a School Health Program; Health and Wellness; Secondary Methods of Teaching Health; Elementary methods of Teaching Health; Mental/Emotional Health; Nutrition; Human Sexuality; Substance Use and Abuse; ~~and Theories of Behavior Changes~~. Remaining semester credits must be in health-related course work. ~~(3-30-07)~~( )

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

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

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

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

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

**14. Library Media Specialist (K-12).** Twenty (20) semester credit hours in the field of Education Media or Library Science, including a minimum of: (5-8-09)

a. Collection Development/Materials Selection; (5-8-09)

b. Literature for Youth or Children; (5-8-09)

c. Organization of Information (Cataloging and Classification); (5-8-09)

d. School Library Administration/Management; and (5-8-09)

e. Library Information Technologies and Information Literacy. (5-8-09)

**15. Literacy (K-12).** Twenty (20) semester credit hours in the area of Literacy including a minimum of three (3) semester credit hours in each of the following areas: Foundations of Reading or Developmental Reading; Reading in the Content Area; Literature for Youth; Psycholinguistics or Language Development; Corrective/Diagnostic/Remedial Reading; and Teaching Writing. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. Remaining credits must be taken in the area of teaching literacy. (5-8-09)

#### 024. ENDORSEMENTS M - Z.

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

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

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

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

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

**04. Music (6-12 or K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Music Teachers to include course work in the

following: Theory and Harmony; Aural Skills, Music History; Conducting; Applied Music; and Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants ~~holding a Secondary Certificate~~ must complete an elementary music methods course. (4-11-06)( )

**05. Natural Science (6-12).** ~~An endorsement in: Biological Science, Physical Science, Physics, Chemistry, Earth Science, Geology, or Agriculture Science and Technology. Twenty-four (24) semester credit hours are required in each endorsement area as follows: Follow one (1) of the following options:~~ (4-11-06)( )

**a.** Option I: Must hold an existing endorsement in one of the following areas: Biological Science, Chemistry, Earth Science, Geology, or Physics; and complete a total of twenty-four (24) semester credit hours as follows: ( )

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

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

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

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

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

**b.** Option II: Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty (20) semester credit hours with at least four (4) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. ( )

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

**07. Physical Education (PE) (6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Sport, Movement, and Outdoor Skills; Elementary PE Methods; Secondary PE Methods; Student Evaluation in PE; Administration of a PE Program; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise Physiology; Kinesiology/Biomechanics; Sports Psychology or Sociology; Motor Behavior; and Current CPR and First Aid Certification. (3-30-07)

**08. Physical Education/Health.** Must have an endorsement in both physical education and health. (3-30-07)

- 09. Physical Science (6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)
- 10. Psychology.** Twenty (20) semester credit hours in the area of Psychology. (3-16-04)
- 11. Social Studies (6-12).** Must have an endorsement in History, American Government/Political Science, Economics, or Geography plus a minimum of twelve (12) semester credit hours in each of the remaining core endorsements areas: History, Geography, Economics, and American Government/Political Science. (3-29-10)
- 12. Sociology (6-12).** Twenty (20) semester credit hours in the area of Sociology. (3-16-04)
- 13. Sociology/Anthropology (6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)
- 14. Technology Education (6-12).** (3-16-04)
- a.** Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation; and Principles of Technology. (3-16-04)
- b.** Occupational teacher preparation as provided in Sections 034 through 038. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**027. PUPIL PERSONNEL SERVICES CERTIFICATE.**

Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. (3-16-04)

**01. Counselor Endorsement (K-12).** To be eligible for a Pupil Personnel Services Certificate endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (5-8-09)

- a.** Hold a master's degree and provide verification of completion of an approved

program of graduate study in school guidance and counseling 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. Substantial amounts of 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. (5-8-09)

- b. An institutional recommendation is required for a Counselor K-12 Endorsement. (5-8-09)

**02. School Psychologist Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. To be eligible for initial 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: (3-16-04)

a. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. ~~(3-16-04)~~( )

b. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist. ~~(3-16-04)~~( )

c. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter 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 school district under the supervision of the training institution and direct supervision of a certificated school psychologist. (5-8-09)

**03. School Nurse Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 027.03.a. or 027.03.b. in addition to the requirement of Subsection 027.03.c. (3-29-10)

a. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a bachelor's degree in nursing, education, or a health-related field from an accredited institution. (5-8-09)

b. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: (5-8-09)

- i. Health program management; (5-8-09)
  - ii. Child and adolescent health issues; (5-8-09)
  - iii. Counseling, psychology, or social work; or (5-8-09)
  - iv. Methods of instruction. (5-8-09)
- c.** Additionally, each candidate must have two (2) years' full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. (5-8-09)

**04. Interim Endorsement - School Nurse.** This certificate will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim Certificate - will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-10)

**05. Speech-Language Pathologist Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-16-04)

**06. Audiology Endorsement.** This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-16-04)

**07. School Social Worker Endorsement.** This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through possession of a social work certificate issued by the Idaho Bureau of Occupational Licenses, an institutional recommendation, and completion of one (1) of the following options: (3-16-04)

**a.** A master's degree in social work from an Idaho college or university approved by the State Board of Education, or a master's degree in social work from an out-of-state college or university. The program must be currently approved by the state educational agency of the state in which the program was completed. (3-16-04)

**b.** A master's degree in guidance and counseling, sociology, or psychology plus thirty (30) semester credit hours of graduate work in social work education, including course work in all the following areas: understanding the individual; casework method; field placement; social welfare programs and community resources; and research methods. (3-16-04)

**08. Interim Endorsement-Speech Language Pathologist.** This certificate will be granted for those who do not meet the educational requirements but who hold a bachelor's degree in Speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An Interim Certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-29-10)

**028. EXCEPTIONAL CHILD CERTIFICATE.**

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

**01. General Education Requirements.** Completion of the general education requirements at an accredited college or university is required. (3-30-07)

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

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

**03. Early Childhood Special Education Endorsement (Pre-K-3).** The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Standard Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements: ( )

**a.** Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: Child development and behavior with emphasis in cognitive-language, physical, social and emotional

areas, birth through age eight (8); Curriculum and program development for young children ages three to eight (3-8); Methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); Guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); Identifying and working with atypical young children ages three to eight (3-8) Parent-teacher relations; and, Field work to include an internship and student teaching at the Pre-K - 3 grades. ( )

**034. Hearing Impairment Endorsement (K-12).** Completion of a minimum of thirty (30) semester credit hours in the area of hearing impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Hearing Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)

- a. Completion of a baccalaureate degree from an accredited college or university; (4-11-06)
- b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)
- c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)
- d. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Hearing Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)

**045. Visual Impairment Endorsement (K-12).** Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impaired endorsement, a candidate must have satisfied the following requirements: (4-11-06)

- a. Completion of a baccalaureate degree from an accredited college or university; (4-11-06)
- b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (4-11-06)
- c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (4-11-06)
- d. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. (4-11-06)



(BREAK IN CONTINUITY OF SECTIONS)

033. ~~(RESERVED)~~ **ONLINE TEACHER ENDORSEMENT (PRE-K-12).**

**01. Online-Teacher Endorsement.** To be eligible for an Online-Teacher Endorsement (Pre-K-12), a candidate must have satisfied the following requirements: ( )

**a.** Meets states' professional teaching and/or licensure standards and is qualified to teach in his/her field of study. ( )

**b.** Provides evidence of online experience or course time both as a student and as a learner, and demonstrates online learning and teaching proficiency. ( )

**c.** Has completed (completes) an eight (8) week online teaching internship in a Pre-K-12 program, or have one (1) year of verifiable and successful experience as a teacher delivering curriculum online in grades Pre-K-12 within the past three (3) years. ( )

**d.** Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study in online teaching and learning at an accredited college or university or a state-approved equivalent. ( )

**02. Proficiency in Idaho Standards for Online Teachers.** Demonstrates proficiency in the Idaho Standards for Online Teachers including the following competencies: ( )

**a.** Knowledge of Online Education and Human Development; ( )

**b.** Facilitate and Inspire Student Learning and Creativity; ( )

**c.** Design and Develop Digital-Age Learning Experiences and Assessments Standards; ( )

**d.** Model Digital-Age Work and Learning; Promote and Model Digital Citizenship and Responsibility Standards; and ( )

**e.** Engage in Professional Growth and Leadership. ( )

(BREAK IN CONTINUITY OF SECTIONS)

230. DRIVER EDUCATION.

~~01. Commercial Schools. Pursuant to Section 004 of these rules, all driver education courses offered in Idaho commercial schools must be conducted in compliance with all the~~

*requirements in the Idaho Standards for Commercial Driving Schools, as incorporated. (4-11-06)*

~~02.~~ Public Schools. Pursuant to Section 004 of these rules, all **public** driver education courses offered in Idaho public schools must be conducted in compliance with all the requirements in the *Idaho Standards for Public School Driver Education and Training* **Operating Procedures for Idaho Public Driver Education Programs**, as incorporated. ~~(4-6-05)~~( )

# IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1004

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1201 and 33-1258, Idaho Code.

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

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 146 through 148.](#)**

**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 paying for credits associated with the MTI course would save the state roughly \$700,000 per year.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Camille Wells at 208-332-6812.

DATED this 18th day of November, 2010.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State St, 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
phone: (208) 332-6812  
FAX: (208) 334-2228

***THIS NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **August 11, 2010**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-1201 and 33-1258, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Tuesday, October 12, 2010 -- 3:00 - 5:00 p.m. MDT**

**Len B. Jordan Building**  
**Second Floor**  
**Lewis & Clark Conference Room**  
**650 W. State Street, Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by calling into the public hearing (dial-in number: 1-888-767-9895; access code: 7349974) or via the State Department of Education website at <http://www.sde.idaho.gov/>.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**The reason for this rule change relates to the twenty percent (20%) collective reduction imposed on the Math Initiative, Idaho Reading Initiative and ISAT Remediation programs for FY 2011. One of the major costs within the Math Initiative is the state's payment for college credits associated with those teachers and administrators who successfully complete the state-required Mathematical Thinking for Instruction (MTI) course. It would cost the state approximately \$700,000 in FY 2011 to pay for these credits, which would enable them to be reflected on the individual's college transcript. This cost is in addition to the cost of providing the course, which is already paid directly by the Math Initiative.**

**While there is no recertification requirement that the course be completed for credit (only that it be completed successfully), there is another requirement that teachers and administrators must complete at least three credits, reflected on an official transcript, in order to be recertified. This rule change would allow the Mathematical Thinking for Instruction course to count towards the three credit recertification requirement, regardless of whether the credits appear on an official college transcript. This would enable the teacher**

or administrator to enjoy all of the benefits of the course, insofar as recertification is concerned, without the state incurring unnecessary costs.

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

The Legislature reduced funding for a group of programs by approximately 20%, including the Math Initiative, through which MTI course costs are paid. This rule change would allow the state to recognize successfully completed MTI courses for certification purposes, as if they had actually been taken for credit, even if the state is no longer able to pay for the cost of awarding the credits. This will give teachers some of the benefit of earning credits without the additional cost.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 paying for credits associated with the MTI course would save the state roughly \$700,000 per year.**

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule alteration brings us into line with federal program requirements.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rules, contact Niccole Bendixen at 208-332-6812.

Anyone may submit written comments regarding these proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

***THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1004***

**016. IDAHO EDUCATOR CREDENTIAL.**

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (Section 33-1201, Idaho Code) (3-16-04)

**01. Renewal Requirement - Mathematics In-Service Program.** In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that each teacher deems to be most closely aligned with their current assignment prior to September 1, 2014. Any teacher or administrator successfully completing said course shall be deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. Successful completion of state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.01.a. through 016.01.e. shall successfully complete the “Mathematical Thinking for Instruction” course in order to recertify: ~~(3-29-10)~~( )

**a.** Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (3-29-10)

**b.** Each teacher holding a Standard Elementary Certificate (K-8); (3-29-10)

**c.** Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I classrooms; (3-29-10)

**d.** Each teacher holding a Standard Exceptional Child Certificate (K-12); and (3-29-10)

**e.** Each school administrator holding an Administrator Certificate (Pre K-12). (3-29-10)

**02. Out-of-State Applicants.** Out-of-state applicants shall take the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” as a certification requirement. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). (3-29-10)

# IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1001

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is **July 1, 2010**. This pending rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 333-105, Idaho Code.

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

The changes to this rule include additions of a definition for “new school” and “graduation rate” when calculating Adequate Yearly Progress (AYP). This will help inform local district decision making regarding school consolidation and geographic boundaries and clarify possible ramifications of such actions on AYP status, including school improvement.

The current graduation rate formula in Idaho is the National Center for Education Statistics (NCES) formula. In April 2010, the US Department of Education (USDOE) conducted a peer review of Idaho’s graduation rate and target. Review findings indicated that Idaho would be allowed for the 2010-2011 school year to maintain the target of 90%. However, the USDOE clearly stated that Idaho would not be able to allow districts to use the alternate mechanism of “maintaining the target” from their previous year. The USDOE indicated that Idaho must amend its current graduation rules to require a school that did not meet the 90% target to make a “continuous and substantial improvement” from year to year. This continuous and substantial improvement is defined as at least 2%. Therefore, Idaho is changing the IDAPA language to reflect this change, so that schools must increase their graduation rate by at least 2% each year when they do not meet the target of 90%.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Education amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the [October](#)

6, 2010 Idaho Administrative Bulletin, Vol. 10-10, page(s) 149 through 154. The text of the temporary rules was published in January 6, 2010, Idaho Administrative Bulletin, pages 56 through 60.

**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:

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Carissa Miller at (208) 332-6901.

DATED this 3rd Day of December, 2010.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State St, 2nd Floor

PO Box 83720  
Boise, ID 83720-0027  
(208) 332-6812; Fax (208) 334-2228

***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

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

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Tuesday, October 12, 2010 -- 3:00 - 5:00 p.m. MDT**

**Len B. Jordan Building**  
**Second Floor**  
**Lewis & Clark Conference Room**  
**650 W. State Street, Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by calling into the public hearing (dial-in number: 1-888-767-9895; access code: 7349974) or via the State Department of Education website at <http://www.sde.idaho.gov/>.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

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



**Section 004 - Changes to this section incorporates the updated Limited English Proficiency Program Annual measurable Achievement Objective (AMAOs) and Accountability Procedures and the Idaho English Language Assessment (IELA) Achievement Standards as approved by the Board November 11, 2009.**

**In February 2009, the Board approved the changes to the Title III/Limited English Proficiency Accountability Plan. Following that approval, the Board office submitted the revised Accountability Plan to the US Department of Education (USDOE) for their approval. The USDOE responded in a letter that the amendment requests would not be approved unless Idaho altered the requirements slightly in one of the four components. This rule change brings Idaho into compliance with the USDOE request.**

**That change resulted in Idaho adopting the “n” size of 34 for Title III purposes, in order to maintain consistency with Title I. This ensures that districts with less than 34 LEP students would not be held to the same IELA accountability targets as those districts with more than 34 students. However, the USDOE determined that districts that received Title III funding through a special consortia grant application, even if they had less than 34 students, must not be exempt and still held accountable.**

**Changes to the Achievement Standards/Cut scores for the Idaho English Language Assessment (IELA) are based on The No Child Left Behind Act of 2001 mandates requiring all states to set achievement standards/cut scores for their assessments in order to determine the proficiency level and growth for every student each year. Idaho revised the achievement standards/cut scores for the IELA in July 2009.**

**A panel of 15 Idaho educators came together to determine new achievement standards/cut scores for the IELA. The panel members determined to minimally revise the standards/cut scores to be used. The raw cut scores were then translated into scale scores for the purpose of equating the IELA alternate year and grade level forms. The revised scale scores ensure consistent progression across grade spans, enabling educators to make decisions based on the students’ IELA proficiency level. The most significant changes are in the Early Fluent and Fluent categories.**

**Section 112 - Accountability is being updated to reflect US Department of Education (USDOE) requirements for the graduation rate formula. In April 2010 USDOE conducted a peer review of Idaho’s graduation rate and target. Review findings indicated that Idaho would be allowed for the 2010-2011 school year to maintain the target of ninety percent (90%). The USDOE stated that Idaho would not be able to allow districts to use the alternate mechanism of “maintaining the target” from their previous year. The USDOE indicated that Idaho must amend its current graduation rules to require a school that did not meet the ninety percent (90%) target to make a “continuous and substantial improvement” from year to year. This continuous and substantial improvement is defined as at least two percent (2%). Therefore, Idaho is changing the IDAPA language (as noted below) to reflect this change, so that schools must increase their graduation rate by at least two percent (2%) each year when they do not meet the target of ninety percent (90%).**

Additionally, The requirement to meet the target by 2014 is being removed. The new graduation rate target will be coded into the Adequate Yearly Progress (AYP) calculation system. These changes will clarify rules governing continuous enrollment and withdrawn status in reference to AYP calculations mandated by the US Department of Education. Specifically they will clarify which public entity creates and provides AYP calculations to schools and districts; clarify the affect of full expulsions on continuous enrollment status and; clarify the rules governing withdrawn status, specifically with regard to medical reasons, homebound status, expulsions, and for juveniles in the juvenile corrections system.

This docket was published as a temporary rule in the [January 6, 2010 Idaho Administrative Bulletin, Vol. 10-1, pages 56 through 60](#), with a temporary effective date of **November 9, 2009**.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule alteration brings us into line with federal program requirements.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

**IDAPA 08.02.03.004** incorporates Limited English Proficiency Program and English Language Assessment. Copies of the Content Standards can be found at <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Niccole Bendixen at 208-332-6812.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this September 30, 2010

***THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1001***

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories: (3-29-10)
  - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
  - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
  - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
  - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
  - vi. World languages, as revised and adopted on April 17, 2009. (3-29-10)
- d. Language Arts, Part I: reading, as revised and adopted on August 21, 2008. (3-29-10)
- e. Language Arts, Part II: language arts, as revised and adopted on August 21, 2008. (3-29-10)
- f. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- g. Mathematics, as revised and adopted on August 21, 2008. (3-29-10)
- h. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- i. Science, as revised and adopted on April 17, 2009. (3-29-10)
- j. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)

**02. The Idaho English Language Development Standards.** The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on ~~August 10, 2006~~ **November 11, 2009**. Copies of the document can be found on the State ~~Board~~ **Department** of Education website at <http://www.boardofed.idaho.gov> <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. (4-2-08)( )

**04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on ~~August 10, 2006~~ **November 11, 2009**. Copies of the document can be found on the State ~~Board~~ **Department** of Education website at <http://www.boardofed.idaho.gov> <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. (4-2-08)( )

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards.** Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

**07. The Idaho Alternative Assessment Extended Achievement Standards.** Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on February 28, 2008. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**112. ACCOUNTABILITY.**

The provisions in this section apply for the purposes of meeting the “No Child Left Behind” Act and the state of Idaho accountability requirements. (3-20-04)

**01. ISAT Student Achievement Levels.** There are four (4) levels of student achievement for the ISAT: Below Basic, Basic, Proficient, and Advanced. Definitions for these levels of student achievement are adopted by reference in Subsection 004.05. (4-2-08)

**02. IELA Language Proficiency Levels.** There are five (5) levels of language proficiency for students testing on the Idaho English Language Assessment: beginning, advanced beginning, intermediate, early fluent, and fluent. Definitions for these levels of language proficiency are adopted by reference in Subsections 004.02 and 004.04. (4-2-08)

**03. Adequate Yearly Progress (AYP).** (3-20-04)

**a.** Proficiency is defined as the number of students scoring proficient or advanced on the spring on-grade level ISAT. (3-20-04)

**b.** The State ~~Board~~ Department of Education will make AYP 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. ~~(4-2-08)~~( )

**c.** The baseline for AYP will be set by the Board and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-20-04)

**04. Adequate Yearly Progress (AYP) Definitions.** For purposes of calculating and reporting adequate yearly progress, the following definitions shall be applied. (3-20-04)

**a.** Full Academic Year (continuous enrollment). (3-20-04)

**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 AYP in proficiency. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. ~~Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP.~~ (4-2-08)( )

**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. (4-2-08)

**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 AYP. (4-2-08)

**b.** Participation Rate. (3-20-04)

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 AYP. 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. (3-20-04)

(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. (4-6-05)

(2) Students who are absent for the entire state-approved testing window because of *significant* medical *emergency* 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. (~~4-6-05~~)( )

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. (3-20-04)

c. Schools. (3-20-04)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-20-04)

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). (4-6-05)

iii. A high school is any school that contains grade twelve (12). (3-20-04)

iv. 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. (3-20-04)

v. A "new school" for purposes of accountability is a wholly new entity receiving AYP 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. ( )

d. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-20-04)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-20-04)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-20-04)

iii. Students with disabilities - individuals who are eligible to receive special education services through the Individuals with Disabilities Education Act (IDEA). (3-20-04)

iv. Limited English Proficient - individuals who score in the low range on the state-approved language proficiency test and meet one of the following criteria: (4-6-05)

(1) Individuals whose native language is a language other than English; or (4-6-05)

(2) Individuals who come from environments where a language other than English is dominant; or (4-6-05)

(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. (4-6-05)

e. Graduation Rate. The State Board of Education will establish a target for graduation. All high schools must ~~maintain~~ *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 subpopulations listed in Subsection 112.03.d. in the event the “safe harbor” is invoked by the school/district. ~~By 2014, the schools/districts must meet the target.~~  
(3-20-04)( )

f. Additional Academic Indicator. The State Board of Education will establish a target for an additional academic indicator. All elementary and middle schools must maintain or make progress toward the additional academic indicator target each year. The additional academic indicator target will be disaggregated by the subpopulations listed in Subsection 112.03.d. in the event the “safe harbor” is invoked by the school/district. By 2014, the schools/districts must meet the target. (3-20-04)

**05. Annual Measurable Achievement Objectives (AMAOs).** Local school districts are responsible for ensuring district progress of Limited English Proficient (LEP) students in their acquisition of English. Progress and proficiency are measured by the IELA and determined based on three (3) AMAOs: (4-2-08)

a. Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency; (4-2-08)

b. Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year; and (4-2-08)

c. Each school district must make Adequate Yearly Progress for LEP students on the spring ISAT. (4-2-08)

# IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1002

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 155 through 158.](#)**

**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 Tracie Bent, Chief Planning, Policy, & HR Officer, (208)332-1582.

DATED this November 18, 2010.

Tracie Bent  
Chief Planning, Policy and HR Officer  
State Board of Education  
650 West State Street  
PO Box 83720, Boise, ID 83720-0037  
(208) 332-1582 phone  
(208) 334-2632 FAX



**THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE**

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

Currently IDAPA 08.02.03.105.03 states, if a student fails to achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) school districts and LEAs shall provide an alternate mechanism, or plan, for graduation from high school if the student requests it and is qualified. There are no clear requirements, guidelines or procedures for districts/LEAs to follow in developing the plan and the plan is only required if the student requests it.

Changes to this rule will require school districts to notify all students who fail the 10th grade ISAT of the availability of an alternate route to graduation.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because of the non-controversial nature of this rule. **The proposed language was worked on by Board and Department staff with input from local school districts.**

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at 332-1582.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

***THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1002***

**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. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.h. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.b. through 105.01.g. (3-29-10)

**a. Credits.** (Effective for all students who enter the ninth grade in the fall of 2010 or later.) 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. (3-29-10)

**b. Mastery.** Students may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

**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. (3-29-10)

**d.** Mathematics. Four (4) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: (3-29-10)

i. Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

ii. Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

iii. Two (2) credits of mathematics of the student's choice. (3-29-10)

iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school. (3-29-10)

**e.** Science. Four (4) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-29-10)

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

**f.** Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (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. (3-29-10)

**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 Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

**h.** Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. (3-29-10)

**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. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. (5-8-09)

**04. Senior Project.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-29-10)

**05. Middle School.** If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement for such course. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.b. through 105.01.g. in addition to the courses completed in middle school. (3-29-10)

**06. Proficiency.** Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. ~~For all public school students who enter high school at the 9th grade level in the Fall 2009 or later, each student must also achieve a proficient or advanced score on the science portion of the ISAT in order to graduate.~~ A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established mechanism plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established mechanisms alternate plans used to demonstrate proficiency ~~will shall~~ be forwarded to the State Board of Education for review and information. ~~Districts with alternate measures on file with the Board on the effective date of this rule must re-submit their plans to the Board.~~ Alternate mechanisms plans must be promptly re-submitted to the Board when ever changes are made in their such plans. (5-8-09)( )

- a. Before entering an alternate measure, the student must be: (4-2-08)
  - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
  - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
  - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b. The measure alternate plan must ~~be~~: (5-8-09)( )
  - i. Contain multiple measures of student achievement; ( )

- ii. ~~Be~~ Aaligned at a minimum to tenth grade state content standards; ~~(3-20-04)~~(    )
  - iii. ~~Be~~ Aaligned to the state content standards for the subject matter in question; ~~(5-8-09)~~(    )
  - iiiv. ~~Be~~ Vvalid and reliable; and ~~(5-8-09)~~(    )
  - iv. Ninety percent (90%) of the alternate plan criteria ~~of the measure, or combination of measures;~~ must be based on academic proficiency and performance. ~~(3-20-04)~~(    )
- c. A student is not required to achieve a proficient or advanced score on the ISAT if:
- i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
  - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
  - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
  - iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)
- 07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)
- 08. Foreign Exchange Students.** Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

# **IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION**

## **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1003**

### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

**The changes made to Sections 160 and 161 in the Proposed Rule have been removed from the Pending Rule. These Sections will remain as currently codified in the rule with no changes.**

**The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 159 through 165.](#)**

**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:

**Common Core standards in math and English language arts will require professional development and supplemental materials.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Camille Wells at 208-332-6812.

DATED this 18th day of November, 2010.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State St, 2nd Floor

PO Box 83720, Boise, ID 83720-0027  
phone: (208) 332-6812  
FAX: (208) 334-2228

**THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE**

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

**PUBLIC HEARING SCHEDULE:** Public hearings concerning this rulemaking will be held as follows:

<b>MATH AND ENGLISH LANGUAGE ARTS COMMON CORE HEARINGS</b>	
<b>Tuesday, October 5, 2010</b> 6:00 p.m. Canyon Ridge High School, Room 301 201 Main Avenue West Twin Falls, ID 83301	<b>Wednesday, October 6, 2010</b> 6:00 p.m. Hillcrest High School, Library 2800 Owen Street Ammon, ID 83406
<b>Thursday, October 7, 2010</b> 6:00 p.m. ISU-SUB Heritage Room 921 S. 8th Avenue Pocatello, ID 83201	<b>Tuesday, October 12, 2010</b> 6:00 p.m. North Idaho College Student Union 501 E. Lakeside Avenue Coeur d'Alene, ID 83814
<b>Tuesday, October 12, 2010</b> 3:00 - 5:00 p.m. Len B. Jordan Building Second Floor Lewis & Clark Conference Room 650 W. State Street, Boise, ID	<b>Wednesday, October 13, 2010</b> 6:00 p.m. Lewis-Clark State College Sacajawea 112 500 8th Avenue, Lewiston, ID 83501
<b>Tuesday, October 29, 2010</b> 6:00 p.m. Mountain View High School, Lecture Hall 2000 S. Millennium Way, Meridian, ID 83642	
For additional details please call 332-6812; or visit the State Department of Education website at <a href="http://www.sde.idaho.gov/">http://www.sde.idaho.gov/</a>	

Individuals unable to be present in person will have the opportunity to make comments by calling into the public hearing (dial-in number: 1-888-767-9895; access code: 7349974) or via the State Department of Education website at <http://www.sde.idaho.gov/>.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

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

Section 004-01 - The Common Core Standards have been developed as a joint effort between the Council of Chief State School Officers (CCSSO) and the National Governors Association (NGA). The goal of the work was to ensure that students graduating from high school are college and career ready. The development team vowed to make the standards clearer, higher, and fewer. This rule results in the adoption of the Idaho Content Standards for English Language Arts in grades K-12 for the 2013-2014 academic year to implement the Common Core standards.

Section 004-02 - The Idaho Student Information Technology Standards (ISITS) were originally created in 2001, and revised in 2003. Due to the seven year gap in revisions, significant changes occurred between the original and revised standards, including changing the name to Information and Communication Technology (ICT) Standards. A copy of the original ISITS is included.

The ISITS were not part of the Idaho Achievement or Idaho Content Standards; however, this rule would incorporate them into the Idaho Content Standards, complying with the “Enhancing Education Through Technology Act of 2001.” The revision committee chose to base the revisions upon the International Society for Technology in Education (ISTE) National Educational Technology Standards (NETS•S), which can be found online at:

[http://www.iste.org/Content/NavigationMenu/NETS/ForStudents/2007Standards/NETS\\_for\\_Students\\_2007\\_Standards.pdf](http://www.iste.org/Content/NavigationMenu/NETS/ForStudents/2007Standards/NETS_for_Students_2007_Standards.pdf). Title has been updated to reflect today’s world. Revision includes grades 9-12.

Section 004-03 - The Common Core Standards have been developed as a joint effort between the Council of Chief State School Officers (CCSSO) and the National Governors Association (NGA). The goal of the work was to ensure that students graduating from high school are college and career ready. The development team vowed to make the standards clearer, higher, and fewer. This rule adopts the Idaho Content Standards for Math in grades K-12 for the 2013-2014 academic year to implement the Common Core standards.

Section 160-161 - The use of restraint and seclusion in schools has become a topic of national focus. In July 2009, as a result of testimony given to the US House of Representatives on the use of restraint and seclusion in schools and the significant consequences that occur from misuse and misapplication of these techniques, Secretary of Education Arne Duncan issued a letter to the Chief State School Officers encouraging every state to develop, review or revise state policies and guidelines regarding restraint and seclusion. At the state level, in May of 2009, Idaho’s Special Education Advisory Panel (SEAP) also sent a letter to Superintendent Luna recommending that a task force be formed to create policies, rules and/or laws to address the use of restraints, seclusion and other aversive techniques in Idaho public schools. Idaho currently does not have any laws, rules or policies governing the use of restraints, seclusion and aversive techniques in Idaho public schools. Data on the use of these techniques are not collected at the state level in Idaho. The proposed rules resulted from the Safe and Supportive Schools Task Force’s discussions, review and identified needs to address the use of restraints, seclusion and other aversive techniques.



In the proposed rule Section 160 Safe Environment and Discipline is being amended to require each school district to have a comprehensive district wide policy and procedure encompassing the use of restraint, seclusion and other aversive techniques. Districts are required to annually review policies listed under this section. Section 161 Use of Restraint, Seclusion and Other Aversive Techniques is a new section of rule. This section prohibits the use of restraint and seclusion except in an emergency and only to the extent necessary to preserve the safety of students and others. An emergency is defined in the rules as a situation in which a student's behavior poses a believable and real threat of imminent, serious physical harm to the student or others. Subsections of the rule address definitions, components in the district wide policy required under section 160, procedures to be addressed in the district wide procedures, training for personnel and documentation of incidents.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

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

**Common Core standards in math and English language arts will require professional development and supplemental materials. All other rules have a fiscal impact of less than \$10,000.**

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this proposed rule is the result of meeting between teachers, administrators and experts.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

**IDAPA 08.02.03.004.01 incorporates all Content Standards into one rule chapter. Copies of the Content Standards can be found at <http://www.boardofed.idaho.gov>.**

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Niccole Bendixen at 332-6812.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1003**

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated into this rule: (3-30-07)

**01. The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-29-10)

- a. Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b. Health, as revised and adopted on April 17, 2009. (3-29-10)
- c. Humanities Categories: (3-29-10)
  - i. Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)
  - iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)
  - iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
  - v. Music, as revised and adopted on April 17, 2009; (3-29-10)
  - vi. World languages, as revised and adopted on April 17, 2009. (3-29-10)
- d. **English** Language Arts, ~~Part I: reading~~, as revised and adopted on August ~~21,~~ **11, 2010**. ~~(3-29-10)( )~~
- e. ~~Language Arts, Part II: language arts, as revised and adopted on August 21, 2008.~~ ~~(3-29-10)~~
- f. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- g. Mathematics, as revised and adopted on August ~~21, 2008~~ **11, 2010**. ~~(3-29-10)( )~~
- h. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- i. Science, as revised and adopted on April 17, 2009. (3-29-10)

**j.** Social Studies, as revised and adopted on April 17, 2009. (3-29-10)

**i.** Information and Communication Technology, as revised and adopted on April 22, 2010. ( )

**02. The Idaho English Language Development Standards.** The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on ~~August 10, 2006~~ November 11, 2009. Copies of the document can be found on the State ~~Board~~ Department of Education website at ~~http://www.boardofed.idaho.gov~~ <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. (4-2-08)( )

**04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on ~~August 10, 2006~~ November 11, 2009. Copies of the document can be found on the State ~~Board~~ Department of Education website at ~~http://www.boardofed.idaho.gov~~ <http://www.sde.idaho.gov/site/assessment/IELA/relatedDocs.htm>. (4-2-08)( )

**05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards.** Achievement Standards as adopted by the State Board of Education on May 30, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

**07. The Idaho Alternative Assessment Extended Achievement Standards.** Alternative Assessment Extended Achievement Standards as adopted by the State Board of Education on February 28, 2008. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (5-8-09)

**08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

**09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov>. (4-2-08)

# **IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION**

## **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1004**

### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is **November 17, 2010**. This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 33-1612, Idaho Code.

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

**105.06 - Graduation Requirements.** Changes to this subsection remove passing of the 10th grade Science Idaho Standards Achievement Test (ISAT) from the state's graduation requirements. The science ISAT functions in a much different fashion than the reading, language usage or mathematics sections of the ISAT. The ISAT series includes integrated content, which in reading and mathematics works well because the concepts build on each other and are less course specific. However, in science, particularly at the high school level, courses do not directly build on one another. Thus the current cumulative approach presents a disadvantage to 10th grade students who, for example, may have taken biology two years previously or may not have had biology yet due to a different scope and sequence within a district. Compounding this problem are gaps in assessment which necessarily occur because science is only assessed at grades 5, 7, and 10. Students will be required to take the science ISAT in 10th grade but will not be required to pass it as a graduation requirement.

**109 -** The change to this subsection more closely aligns Idaho rules to federal regulations, and would allow more time for initial evaluation and determination of need for special education and related services, as well as to develop and implement an individualized education program (IEP) for a student. This proposed and temporary rule change is effective August 1 in order to ensure one consistent timeline for all students starting this school year.

Currently Idaho allows less time than is allowed under federal law to conduct the evaluation and eligibility process. Idaho allows 60 calendar days for student evaluation, determination of eligibility for special education, development of an IEP and implementation of that IEP. Federal regulation allows 60 calendar days for student evaluation and determination of eligibility for special education and subsequent to

determination of eligibility, 30 days to develop an IEP which is to be implemented as soon as possible after development. The change would allow Idaho schools up to 60 calendar days for student evaluation and determination of eligibility for special education and 30 days for development of an IEP and implementation of that IEP. School districts have requested this change to ensure thorough and proper evaluation, eligibility determination and IEP development. The evaluation process includes a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. Both eligibility determination and IEP development must be conducted with a team. Flexibility provided in this rule change would help ensure that all relevant and necessary team members can be included in these essential processes, and that multiple meetings or additional assessment could be scheduled if necessary or beneficial to determine eligibility or develop an IEP.

111 - Changes to this subsection require Idaho School Districts to send assessment results and related communication to parents within three (3) weeks of receiving the results from the state. The three-week timeline for districts to send assessment results and communication to parents will ensure that parents receive the information they need in a timely manner, as required by the US Department of Education.

117 - Master Advancement Pilot Program. This new section of Idaho Administrative Rule is a direct result of House Bill 493 passed by the 2010 Idaho Legislature. House Bill 493 details a six-year pilot program for the Mastery Advancement Program. The program as outlined in section 33-1620 - 1624, Idaho code establishes the pilot project permitting certain student in certain public schools to proceed through school curriculum at their own pace, defines program participants, assessments and directs the State Department of Education to promulgate rules to further explicate the process for implementation of the pilot program.

The Idaho State Board of Education approved this docket on November 17, 2010.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the State Board of Education amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin.

The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 166 through 186.](#)

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

The removal of the science ISAT is a new rule that will remove the Science ISAT as a graduation requirement. This will need to go into effect immediately, as the 10th graders this year (2010-2011) taking the ISAT would be the class of 2013 that would need the waiver.

The assessment timeline is a new rule that will ensure that assessment related correspondence is sent out from districts within 3 weeks. A recent federal review indicated

that the Idaho State Department of Education must ensure that districts send notifications to parents in a timely manner.

MAAP is part of House Bill No. 493 detailing a six-year pilot program. Statute was passed as part of the 2010 legislative session and rules were required immediately as part of the program.

The Special Education IEP rule changes more closely aligns Idaho rules to federal regulations, and would allow more time for initial evaluation and determination of need for special education and related services as well as to develop and implement an individualized education program (IEP) for a student. This temporary and proposed rule change is effective August 1 in order to ensure one consistent timeline for all students starting this school year.

**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:

For the MAPP rule, there are a number of potential fiscal impacts. First, there is the potential for an increased number of students to graduate early from Idaho high schools. Second, there will be financial rules necessary for these early graduates and the respective schools and districts. The early graduates would be eligible for a scholarship which is 35% of the statewide Average Daily Attendance. The school would also then get 35% of that amount for the student and 30% would be kept in the general fund. The third impact will be the need for participating districts to develop and administer the assessments necessary to determine if students can pass out of a class. Districts and charter schools may require students to pay for the mastery exam. Districts and charter schools may also incur a cost if the development and administration of the mastery exams are created and administered within the district.

For the removal of passage of the science ISAT for graduation: Annual costs for fall and spring retesting of 11th and 12th graders just for science will cost at a minimum \$159,000 in fiscal year 2011, and to match the ISAT matrix and allow for a spring science test in grade 9, an additional \$60,000 is needed. These annual estimated costs of \$220,000 would be required additional costs to the ISAT contract for as long as the current Idaho Code governing state graduation requirements remains in place. There is also an undetermined cost for remediation at the district level.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Camille Wells at 208-332-6812.

DATED this 18th day of November, 2010.

Tom Luna  
Superintendent of Public Instruction  
State Department of Education  
650 West State St, 2nd Floor

PO Box 83720  
Boise, ID 83720-0027  
phone: (208) 332-6812  
FAX: (208) 334-2228

***THIS NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **August 11, 2010**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-1201 and 33-1258, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Tuesday, October 12, 2010 -- 3:00 - 5:00 p.m. MDT**

**Len B. Jordan Building**  
**Second Floor**  
**Lewis & Clark Conference Room**  
**650 W. State Street, Boise, Idaho**

Individuals unable to be present in person will have the opportunity to make comments by calling into the public hearing (dial-in number: 1-888-767-9895; access code: 7349974) or via the State Department of Education website at <http://www.sde.idaho.gov/>.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**105.06 – Graduation Requirements.** Changes to this subsection removes passing of the 10th grade Science Idaho Standards Achievement Test (ISAT) from the state’s graduation requirements. The science ISAT functions in a much different fashion than the reading, language usage or mathematics sections of the ISAT. The ISAT series includes integrated content, which in reading and mathematics works well because the concepts build on each other and are less course specific. However, in science, particularly at the high school level, courses do not directly build on one another. Thus the current cumulative approach presents a disadvantage to 10th grade students who, for example, may have taken biology two years previously or may not have had biology yet due to a different scope and sequence within a district. Compounding this problem are gaps in assessment which necessarily occur because science is only assessed at grades 5, 7, and 10. These may be factors in the lower pass rates in science compared to other content areas as reflected in the chart below. The full implementation of the Science ISAT requirement continues to present significant

remediation issues as the chart indicates. Adding another assessment requirement with the lowest pass rate could present a significant hurdle to a number of Idaho's high school students. A more effective approach to ensure students have a specific, discrete set of knowledge might be a series of end-of-course assessments. In this way students could access assessments that are synchronized with the particular scope and sequence employed at their respective districts, enhancing their opportunity to demonstrate what they know and can do.

**109 -** The change to this subsection more closely aligns Idaho rules to federal regulations, and would allow more time for initial evaluation and determination of need for special education and related services, as well as to develop and implement an individualized education program (IEP) for a student. This proposed and temporary rule change is effective August 1 in order to ensure one consistent timeline for all students starting this school year.

Currently Idaho allows less time than is allowed under federal law to conduct the evaluation and eligibility process. Idaho allows 60 calendar days for student evaluation, determination of eligibility for special education, development of an IEP and implementation of that IEP. Federal regulation allows 60 calendar days for student evaluation and determination of eligibility for special education and subsequent to determination of eligibility, 30 days to develop an IEP which is to be implemented as soon as possible after development. The change would allow Idaho schools up to 60 calendar days for student evaluation and determination of eligibility for special education and 30 days for development of an IEP and implementation of that IEP. School districts have requested this change to ensure thorough and proper evaluation, eligibility determination and IEP development. The evaluation process includes a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. Both eligibility determination and IEP development must be conducted with a team. Flexibility provided in this rule change would help ensure that all relevant and necessary team members can be included in these essential processes, and that multiple meetings or additional assessment could be scheduled if necessary or beneficial to determine eligibility or develop an IEP.

**111 –** Changes to this subsection require district to send assessment results and related communication to parents within three (3) weeks of receiving the results from the state. The three-week timeline for districts to send assessment results and communication to parents will ensure that parents receive the information they need in a timely manner, as required by the US Department of Education.

**117 –** Master Advancement Pilot Program. This new section of Idaho Administrative Rule is a direct result of House Bill 493 passed by the 2010 Idaho Legislature. House Bill 493 details a six-year pilot program for the Mastery Advancement Program. The program as outlined in section 33-1620 – 1624, Idaho code establishes the pilot project permitting certain student in certain public schools to proceed through school curriculum at their own pace, defines program participants, assessments and directs the State Department of Education to promulgate rules to further explicate the process for implementation of the pilot program.



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

The removal of the science ISAT is a new rule that will remove the Science ISAT as a graduation requirement. This will need to go into effect immediately, as the 10th graders this year (2010-2011) taking the ISAT would be the class of 2013 that would need the waiver.

The assessment timeline is a new rule that will ensure that assessment related correspondence is sent out from districts within 3 weeks. A recent federal review indicated that the Idaho State Department of Education must ensure that districts send notifications to parents in a timely manner.

MAAP is part of House Bill No. 493 detailing a six-year pilot program. Statute was passed as part of the 2010 legislative session and rules were required immediately as part of the program.

The Special Education IEP rule changes more closely aligns Idaho rules to federal regulations, and would allow more time for initial evaluation and determination of need for special education and related services as well as to develop and implement an individualized education program (IEP) for a student. This temporary and proposed rule change is effective August 1 in order to ensure one consistent timeline for all students starting this school year.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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:

For the MAPP rule, there are a number of potential fiscal impacts. First, there is the potential for an increased number of students to graduate early from Idaho high schools. Second, there will be financial rules necessary for these early graduates and the respective schools and districts. The early graduates would be eligible for a scholarship which is 35% of the statewide Average Daily Attendance. The school would also then get 35% of that amount for the student and 30% would be kept in the general fund. The third impact will be the need for participating districts to develop and administer the assessments necessary to determine if students can pass out of a class. Districts and charter schools may require students to pay for the mastery exam. The CLEP exam, as noted as an acceptable exam, has a current cost of \$77 per exam. Districts and charter schools may also incur a cost if the development and administration of the mastery exams are created and administered within the district.

For the removal of passage of the science ISAT for graduation: Annual costs for fall and spring retesting of 11th and 12th graders just for science will cost at a minimum \$159,000 in fiscal year 2011, and to match the ISAT matrix and allow for a spring science test in grade 9, an additional \$60,000 is needed. These annual estimated costs of \$220,000 would be required additional costs to the ISAT contract for as long as the current Idaho Code governing state graduation requirements remains in place. There is also an undetermined cost for remediation at the district level.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule alteration brings us into line with federal program requirements.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rules, contact Niccole Bendixen at 208-332-6812.

Anyone may submit written comments regarding these proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

***THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1004***

**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. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.h. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.b. through 105.01.g. (3-29-10)

**a.** Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) 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. (3-29-10)

**b.** Mastery. Students may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

**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. (3-29-10)

**d.** Mathematics. Four (4) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: (3-29-10)

i. Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

ii. Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

iii. Two (2) credits of mathematics of the student's choice. (3-29-10)

iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school. (3-29-10)

**e.** Science. Four (4) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-29-10)

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

**f.** Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (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. (3-29-10)

**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 Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

**h.** Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. (3-29-10)

**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. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. (5-8-09)

**04. Senior Project.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-29-10)

**05. Middle School.** If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement for such course. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.b. through 105.01.g. in addition to the courses completed in middle school. (3-29-10)

**06. Proficiency.** Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. ~~For all public school students who enter high school at the 9th grade level in the Fall 2009 or later, each student must also achieve a proficient or advanced score on the science portion of the ISAT in order to graduate.~~ A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency will be forwarded to the State Board of Education for review and information. Districts with alternate measures on file with the Board on the effective date of this rule must re-submit their plans to the Board. Alternate mechanisms must be re-submitted to the Board when changes are made in their plans. (5-8-09)( )

- a.** Before entering an alternate measure, the student must be: (4-2-08)
- i.** Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
  - ii.** Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)

- iii. Enrolled in the fall semester of the senior year. (3-20-04)
  - b.** The measure must be: (5-8-09)
    - i. Aligned at a minimum to tenth grade state content standards; (3-20-04)
    - ii. Aligned to the state content standards for the subject matter in question; (5-8-09)
    - iii. Valid and reliable; and (5-8-09)
    - iv. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. (3-20-04)
  - c.** A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
    - i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
    - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
    - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
    - iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)
- 07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)
- 08. Foreign Exchange Students.** Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**109. SPECIAL EDUCATION.**

- 01. Definitions.** The following definitions apply only to Section 109 of these rules. (4-5-00)
- a.** Adult Student. A student who is eligible for special education, is eighteen (18) years of age or older and to whom special education rights have transferred. (4-5-00)
  - b.** Department. State Department of Education. (4-5-00)
  - c.** Due Process Hearing. An administrative hearing that is conducted to resolve disputes. (3-29-10)
    - i.** Regular due process hearing regarding issues on any matter related to identification, evaluation, placement, or the provision of a free appropriate public education. (3-29-10)
    - ii.** For disputes concerning discipline for which shortened time lines are in effect, an expedited due process hearing may be requested in accordance with the Individuals with Disabilities Education Act. (3-29-10)
  - d.** Education Agency. Each school district and other public agency that is responsible for providing special education and related services to students with disabilities, including the Department of Juvenile Corrections and the Idaho School for the Deaf and Blind. (4-5-00)
  - e.** Governing Special Education Requirements. Sections 33-201, 33-2001 through 2002, 33-2004 through 2005, and 33-2010, Idaho Code; Section 109 of these rules; the Individuals with Disabilities Education Act (IDEA), Parts A and B, (20 U.S.C., Sections 1400-1419); IDEA Regulations (34 C.F.R. Part 300); Idaho Special Education Manual; and special education case law that sets precedence in Idaho. (3-29-10)
  - f.** Idaho Special Education Manual. Policies and procedures, as approved by the State Board of Education, that the State Department of Education is required to adopt to meet the eligibility requirements of 20 U.S.C, Section 1412 and are consistent with state and federal laws, rules, regulations, and legal requirements. (3-29-10)
  - g.** Special education. Specially designed instruction as defined by the Individuals with Disabilities Education Act or speech-language pathology services to meet the unique needs of a special education student. (4-5-00)
- 02. Legal Compliance.** The State Department of Education and education agencies shall comply with all governing special education requirements. (4-5-00)
- a.** The Board of Trustees or other comparable governing body of each education agency shall adopt policies and procedures for providing special education services and obtain approval from the State Department of Education for the same. Department approval shall be based on current governing special education requirements. Each education agency shall revise its policies and procedures as necessary to conform with changes in governing special education requirements. (4-5-00)

**b.** The State Department of Education shall provide education agencies with a sample set of policies and procedures that is consistent with governing special education requirements. The Department shall monitor all education agencies and private agencies who provide special education services to students with disabilities for compliance with governing special education requirements and adopted policies and procedures. (4-5-00)

**c.** Each education agency shall ensure that charter schools and alternative schools located in its jurisdiction have nondiscriminatory enrollment practices. Each education agency shall ensure the provision of special education and related services to eligible students enrolled in charter and alternative schools in accordance with governing special education requirements. (4-5-00)

**d.** Each education agency contracting with a private school or facility shall ensure that the private school or facility is approved by the State Department of Education to provide special education services. The Department may approve a private school or facility to provide special education services upon application to the Department if it: (4-5-00)

- i. Is an accredited school or a licensed rehabilitation center; and (4-5-00)
- ii. Meets minimum health, fire and safety standards; and (4-5-00)
- iii. Is nonsectarian; and (4-5-00)
- iv. Provides special education services consistent with governing special education requirements. (4-5-00)

v. Any private school or facility aggrieved by the Department's final decision may appeal that decision to the State Board of Education. (4-5-00)

**e.** Education agencies shall employ special education and related services professional personnel using certification standards approved by the State Board of Education or licensing standards adopted by the Bureau of Occupational Licensing. Education agencies shall employ individuals who meet the highest entry-level standard that applies to a specific discipline unless there is a shortage of fully qualified candidates for a specific position. If there is a shortage of fully qualified candidates, the education agency shall hire the most qualified individual available who is making satisfactory progress toward meeting the highest entry-level standard within three (3) years. (4-5-00)

**f.** Education agencies may employ paraprofessional personnel to assist in the provision of special education and related services to students with disabilities if they meet standards established by the State Department of Education. (4-5-00)

**g.** Education agencies shall collect and report data as necessary to meet state and federal requirements concerning special education services, staff or students. Education agencies shall develop, implement and revise district improvement plans as necessary to improve results as measured by data on goals and indicators for the performance of special education students that are established by the State Department of Education in accordance with the Individuals with Disabilities Education Act. (4-5-00)

**h.** Education agencies shall establish a team process to problem solve and plan general education interventions to ensure that referrals to special education are appropriate. (4-5-00)

**03. Eligibility for Special Education.** The State Department of Education shall provide state eligibility criteria for special education services for categorical eligibility consistent with the Individuals with Disabilities Education Act. Education agencies shall consider eligibility under all disability categories set forth in the Idaho Special Education Manual with the exception of developmental delay, which is an optional category. If an education agency elects to use the developmental delay category, it shall consider developmental delay for students ages three (3) through nine (9) using the eligibility criteria adopted by the Department and set forth in the Idaho Special Education Manual. The total timeline from the date of receipt of written parental consent for an initial evaluation to the date of determination of eligibility for special education and related services must not exceed sixty (60) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive school days, unless all parties agree to an extension. (~~3-29-10~~)( )

**04. Individualized Education Programs.** Each education agency shall develop an individualized education program (IEP) for each student who is eligible for special education. The IEP shall be implemented as soon as possible after it is developed. The total timeline from the ~~date of receipt of written parental consent for an initial assessment~~ determination that the student needs special education and related services to the date of ~~IEP~~ implementation of the initial IEP shall not exceed ~~sixty~~ thirty (~~60~~) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive school days, unless all parties agree to an extension. A new IEP shall be developed at least annually, on or before the date the previous IEP was developed. (4-5-00)( )

**a.** IEP team meetings shall be convened upon reasonable request of any IEP team member at times other than the annual review. If the education agency refuses to convene an IEP team meeting requested by a parent or adult student, the agency shall provide written notice of the refusal. (4-5-00)

**b.** Education agencies shall document the attendance of all participants at each IEP team meeting. Any participant who does not agree with an IEP team decision regarding a student's educational program may place a minority report in that student's file. A minority report shall not prevent implementation of an IEP team decision. (4-5-00)

**c.** The IEP team shall determine the student's placement in the least restrictive environment. (5-3-03)

**d.** At the discretion of the education agency, an individualized family service plan (IFSP) may be used in place of an IEP if: (4-5-00)

**i.** The child is ages three (3) through five (5), and (4-5-00)

**ii.** The child's parents are provided with a detailed explanation of the differences between an IFSP and an IEP, and (4-5-00)



- iii. The child's parents provide written consent to use the IFSP, and (4-5-00)
- iv. The IFSP is developed in accordance with IDEA Part B policies and procedures. (3-29-10)
- v. Nothing in this part requires education agencies to develop IFSPs rather than IEPs for three (3) through five (5) year old nor to implement more than the educational components of the IFSP. (4-5-00)

**e.** When a student who has been determined eligible for special education, as indicated by a current IEP, transfers from one (1) Idaho education agency to another, the student is entitled to continue to receive special education services. The receiving education agency may accept and implement the existing IEP or may convene an IEP team meeting to develop a new IEP. If a new IEP cannot be developed within five (5) school days, or if the education agency wishes to re-evaluate the child, an interim (short-term) IEP shall be implemented pending development of the standard IEP. (4-5-00)

**f.** If a student who is eligible for special education in another state transfers to an Idaho education agency, the Idaho education agency shall request a copy of the student's most recent eligibility documentation and IEP within two (2) school days. Within five (5) school days of receipt of the eligibility documentation and IEP, the Idaho education agency shall determine if it will adopt the existing eligibility documentation and IEP. If the education agency disagrees with the existing eligibility documentation, or if the documentation is not available within a reasonable time period, consent for an initial assessment shall be sought. While the assessment and evaluation is in process, the education agency may implement an interim IEP if the parent or adult student agrees. If the parent or adult student does not agree to an interim IEP, the student shall be placed in general education. (4-5-00)

**05. Procedural Safeguards.** Education agencies will use appropriate procedural safeguards consistent with the Individuals with Disabilities Education Act. (8-4-99)

**a.** If a parent or adult student disagrees with an individualized education program change or placement change proposed by the district, the parent or adult student may file a written objection to all or parts of the proposed change. If the written objection is postmarked or hand delivered within ten (10) calendar days of the date the parent or adult student receives written notice of the proposed change, the proposed change cannot be implemented. Informal methods such as additional IEP team meetings or voluntary mediation may be used to resolve the disagreement. If these methods fail, the education agency may request a due process hearing to obtain a hearing officer's decision regarding the proposed change. The written objection cannot be used to prevent the education agency from placing a student in an interim alternative educational setting in accordance with IDEA discipline procedures. (4-5-00)

**b.** Mediation may be requested by an education agency, parent, or adult student, or offered by the State Department of Education at any time. The Department shall screen all such requests to determine appropriateness. Any time a hearing is requested, the Department shall offer mediation using policies and requirements set forth in the Individuals with Disabilities Education Act regulations. If the Department appoints a mediator, the Department shall be responsible for

compensating the mediator. All mediation participants shall be required to sign a confidentiality pledge. Attorney fees may not be awarded for a mediation that is conducted prior to a request for a due process hearing. (3-29-10)

**c.** The State Department of Education shall administer a single-tiered due process hearing system to resolve disputes between education agencies and parents or adult students. When a due process hearing is requested, the superintendent, special education director, or other agency administrator shall inform the agency's board of trustees or other governing body of the request. The education agency shall immediately notify the Department's Director of Special Education of any request for a due process hearing. Within ten (10) calendar days of a written request for a regular hearing, or within five (5) business days of a written request for an expedited hearing, an impartial hearing officer shall be assigned by the Department. The Department shall maintain a list of trained hearing officers and their qualifications. (3-29-10)

**d.** The education agency that is a party to the hearing shall be responsible for compensating the hearing officer and paying for the cost of a verbatim transcript of the hearing. (4-5-00)

**e.** Due process hearings shall be conducted pursuant to IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Individuals with Disabilities Education Act (IDEA) requirements, and the Idaho Special Education Manual. In case of any conflict between the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General" and the IDEA, the IDEA shall supersede the IDAPA 04.11.01, and IDAPA 04.11.01 shall supersede the Idaho Special Education Manual. (3-29-10)

**f.** The hearing officer shall issue a written decision that includes findings of fact and conclusions of law within forty-five (45) calendar days of the date a regular hearing is requested, unless a specific extension of this time line is requested by one (1) of the parties and granted by the hearing officer. The hearing officer shall issue a written decision that includes findings of fact and conclusions of law within twenty (20) calendar days of a written request for an expedited hearing, unless a specific extension of this time line has been granted. An extension of the time line for an expedited hearing shall not exceed an additional twenty-five (25) calendar days, and may be granted only if requested by one (1) of the parties and agreed to by both parties. The decision shall be sent to the parent or adult student, the education agency administrator, their respective representatives, and the State Department of Education. (4-5-00)

**g.** The hearing officer's decision shall be binding unless either party appeals the decision by initiating a civil action. The hearing officer's decision shall be implemented not later than fourteen (14) calendar days from the date of issuance unless an appeal is filed by a parent or adult student or the decision specifies a different implementation date. An appeal to civil court must be filed within forty-two (42) calendar days from the date of issuance of the hearing officer's decision. (4-5-00)

**h.** During the hearing the education agency shall provide reasonable accommodations as required by federal and state regulations. Disputes concerning reasonable accommodations shall be referred to the Department of Education's Americans with Disabilities Act (ADA) Committee for resolution. (4-5-00)

**i.** During the pendency of any due process hearing or civil appeal the child's educational placement shall be determined by the Individuals with Disabilities Education Act "stay put" requirements. (4-5-00)

**j.** A parent or adult student has the right to an independent educational evaluation (IEE) at public expense if the parent or adult student disagrees with an evaluation obtained by the education agency. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria the education agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent or adult student's right to an IEE. If an education agency has cost as one (1) of the criteria the education agency uses when it initiates an evaluation, the education agency may apply that criteria to independent educational evaluations. However, the parent or adult student has the right to demonstrate that unique circumstances justify an IEE that falls outside the education agency's cost criteria, and if so demonstrated, that IEE shall be publicly funded. A due process hearing may be initiated by the education agency to determine if the evaluation conducted by the education agency is appropriate. If the final decision of a hearing officer, or civil court, if the hearing officer's decision is appealed, is that the evaluation conducted by the education agency is appropriate, the parent or adult student still has the right to an independent educational evaluation, but not at the education agency's expense. (4-5-00)

**k.** Student records shall be managed in accordance with IDEA and Family and Educational Rights and Privacy Act regulations governing security, confidentiality, access, maintenance, destruction, inspection and amendment. (4-5-00)

**06. Assistive Technology Devices.** Education agencies may hold a parent liable for the replacement or repair of an assistive technology device that is purchased or otherwise procured by the education agency if it is lost, stolen, or damaged due to negligence or misuse at home or in another setting outside of school time. (4-5-00)

**07. Diplomas and Graduation.** School districts shall use a regular diploma for students who are eligible for special education at the completion of their secondary program. The transcript serves as a record of individual accomplishments, achievements, and courses completed. A modified or differentiated diploma or certificate may not be used for students who are eligible for special education unless the same diploma or certificate is granted to students without disabilities. If a student is not granted a regular high school diploma or if a regular high school diploma is granted for completing requirements that are not comparable to regular graduation requirements, a student who is eligible for special education is entitled to receive a free appropriate public education through the semester in which the student turns twenty-one (21) years of age or until the student completes requirements that are comparable to regular graduation requirements, whichever comes first. (4-5-00)

**08. Special Education Advisory Panel.** The State Superintendent of Public Instruction shall appoint members to serve on the Special Education Advisory Panel. Panel members shall elect annually an individual to serve a one (1) year term as vice-chair followed by a one (1) year term as chair. (4-5-00)

**(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. (4-2-08)

- 02. Purposes.** The purpose of assessment in the public schools is to: (3-15-02)
- a.** Measure and improve student achievement; (3-15-02)
  - b.** Assist classroom teachers in designing lessons; (3-15-02)
  - c.** Identify areas needing intervention and remediation, and acceleration; (3-15-02)
  - d.** Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
  - e.** Inform parents and guardians of their child's progress; (3-15-02)
  - f.** Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
  - g.** Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
  - h.** Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

**03. Content.** The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the Direct Writing Assessment (DWA), the Direct Mathematics Assessment (DMA), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), and the Idaho Alternate Assessment. (4-2-08)

**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. (4-2-08)

- a.** All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)

**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. (4-6-05)

**c.** Limited English Proficient (LEP) students, as defined in Subsection 112.03.d.iv., who receive a score below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the reading/language usage ISAT, but will still be required to take the math and science ISAT with accommodations or adaptations as determined by the language proficiency score and ELP. Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.03. However, such LEP students are not required to be counted for AYP purposes in determining proficiency, as described in Subsection 112.02. (5-8-09)

**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. ( )

**a.** Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (5-8-09)( )

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

**06. Comprehensive Assessment Program.** The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. 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. (4-2-08)

**a.** Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**b.** Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

**c.** Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

- d.** Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- e.** Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- f.** Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- g.** Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- h.** Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- i.** Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- j.** Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- k.** Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- l.** Grade 11 - Idaho English Language Assessment. (4-2-08)
- m.** Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)
- n.** Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in their tenth grade year or later are not required to continue taking that portion or portions. (5-8-09)
- 07. Comprehensive Assessment Program Schedule.** (5-3-03)
- a.** The Idaho Reading Indicator will be administered in accordance with Section 33-1614, Idaho Code. (3-15-02)
- b.** The Direct Math Assessment and the Direct Writing Assessment will be administered in December in a time period specified by the State Department of Education. (3-15-02)
- c.** The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

**d.** The Idaho Standards Achievement Tests will be administered twice annually in the Fall and Spring in a time period specified by the State Board of Education. (5-3-03)

**e.** The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)

**f.** The Idaho English Language Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)

**08. Costs Paid by the State.** Costs for the following testing activities will be paid by the state: (4-1-97)

**a.** All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

**b.** Statewide distribution of all assessment materials; (3-15-02)

**c.** Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program; and (3-15-02)

**d.** Implementation, processing, scoring and distribution of prescribed reports for the Direct Writing Assessment and the Direct Mathematics Assessment. (3-15-02)

**09. Costs of Additional Services.** Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

**10. Services.** The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

**11. Test Security, Validity and Reliability.** 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. (4-2-08)

**a.** All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window. (3-20-04)

**b.** The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010. (3-20-04)

**c.** Any assessment used for federal reporting shall be independently reviewed for

reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)

**12. 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). (4-2-08)

**13. Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

**a.** The Idaho Standards Achievement Tests (grades 2-9 and High School). (5-3-03)

**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. (4-6-05)

i. Language Arts/Communications. (3-15-02)

ii. Math. (3-15-02)

iii. Science. (3-15-02)

iv. Social Studies. (3-15-02)

v. Health. (3-15-02)

vi. Humanities. (3-15-02)

**(BREAK IN CONTINUITY OF SECTIONS)**

**117. MASTER ADVANCEMENT PILOT PROGRAM (MAPP).**

**01. Definitions.** *The following definitions apply only to Section 117 of these rules.* ( )

**a.** *Challenge Exam. A test that is rigorous and covers the full depth and breadth of knowledge of a specific course. A challenge exam is more difficult than an End of Course exam which typically is counted only for a portion of a student's final grade and covers only a sampling of the course content.* ( )

**b.** *Elementary. School grades K-6* ( )

**c.** *Local Education Agency (LEA). A school district or a charter school that operates*



*independently of any district and reports to the Idaho Public Charter School Commission. ( )*

**d.** *Secondary. School grades 7-12 ( )*

**f.** *Alternate pathways. An alternate method for a student to receive a high school diploma early. The methods may include but are not limited to: portfolios, accelerated classes, online and independent study. ( )*

**02. LEA Participation.** ( )

**a.** *LEAs must apply for the MAPP program no later than September 2010. LEAs will not be allowed to participate in the program after the initial sign up period. ( )*

**b.** *LEAs may request from the State Department of Education in writing of the intent to opt out of the program during the six (6) year pilot. ( )*

**c.** *The State Department of Education will create and review LEA application submissions. ( )*

**d.** *LEAs may choose to include all or as few as one (1) school within the district. ( )*

**e.** *LEAs may participate in the secondary pilot or the elementary pilot or both. ( )*

**f.** *LEAs must include in the application a plan for public involvement and parental notification of the program ( )*

**03. Secondary Pilot Program.** ( )

**a.** *To be eligible for the secondary pilot program LEAs must meet the following criteria: ( )*

**i.** *LEAs will provide a detailed plan for implementing the program. This plan will include at a minimum: a process for students to request a Challenge Exam, review of the exam scores and providing advice on course or grade advancement. ( )*

**ii.** *Participating districts shall use and apply the “Standards for Educational and Psychological Testing” (AERA, 1999) if creating district challenge exams. ( )*

**iii.** *LEAs may choose to incorporate scores from national standardized test approved by the State Department of Education. The State Department of Education shall create and make public a list of approved tests. ( )*

**b.** *The State Department of Education, in cooperation with the vendors of the national standardized tests, will provide a list recommending the course of mastery and the standard (score) at which students would be successful in the next course. ( )*

**c.** *LEAs may require students to reimburse the LEA for any of the assessments*

*administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district.* ( )

***d.** LEAs may provide alternate pathways to students for early graduation.* ( )

**04. Elementary Pilot Program.** ( )

**a.** To be eligible for the elementary pilot program LEAs must meet the following criteria: ( )

**i.** Elementary school participation in MAPP allows for schools to use measures other than assessments. LEAs must submit a plan including how students will be measured and advanced either to the next grade or class. ( )

**ii.** The State Department of Education will review the plans and provide direction or suggestions. ( )

**iii.** The State Department of Education will provide information on two research-based advancement programs for elementary schools as suggested models. LEAs may submit a plan that is different from the suggested models. ( )

**b.** LEAs may require students to reimburse the LEA for any of the assessments administered. Costs could include the standardized test fee or the administration costs incurred by the district. Requests for reimbursement may not exceed the actual costs incurred by the district. ( )

**05. Reporting.** LEAs are required to submit to the State Department of Education, no later than June 10, the following data for all schools within the district regardless of whether the school is a site for MAPP: ( )

**a.** Comprehensive list of all students who participated in MAPP, including the students who graduated early and the number of years that each student graduated early. ( )

**b.** Detailed information on the performance of participating students on Challenge Exams or other measures used. ( )

**c.** The number of requests for Challenge Exams or advancement and the requests granted. ( )

**d.** School and District disciplinary and/or behavioral incidents. ( )

**e.** School and District graduation and dropout rates. ( )

**f.** Number of students in each school and for the LEA participating in advanced placement concurrent enrollment, or college courses while still students in the LEA. ( )

**06. Early Graduation Eligibility.** ( )

**a.** Students must have attended an Idaho public school for four full school years, as defined in IDAPA 08.02.01, "Rules Governing Administration, State Board of Education Rules, Subsection 250.01, immediately prior to graduation to be eligible for a Mastery Scholarship. ( )

**b.** Students must have completed all LEA and State graduation requirements within eleven (11) full school years or nine thousand nine hundred (9,900) hours to be eligible for a one (1) year mastery scholarship, within ten (10) full school years or eight thousand nine hundred ten (8,910) hours to be eligible for a two (2) year mastery scholarship or within nine (9) full school years or seven thousand nine hundred twenty (7,920) hours to be eligible for a three (3) year mastery scholarship. ( )

**c.** Students must attend an Idaho public college or university for the entirety of the scholarship period in order to receive the scholarship payment. ( )

**d.** Students are eligible for a maximum of three (3) years of mastery scholarship. ( )

**e.** Students must enroll at an Idaho public college or university immediately within two (2) years following early graduation in order to receive scholarship funds. ( )

**07. ADA and Scholarship Funding.** ( )

**a.** Guidelines: ( )

**i.** The statewide average daily attendance-driven funding per enrolled pupil shall be calculated by adding the previous fiscal year's statewide distributions for salary-based apportionment, benefit apportionment and discretionary funds, and dividing the total by the previous year's statewide public school enrollment for all grades. ( )

**ii.** The statewide average daily attendance-driven funding per enrolled pupil shall be re-calculated each fiscal year. ( )

**iii.** All benefits paid for scholarships and to LEAs shall be based on the statewide average daily attendance-driven funding per enrolled pupil figure for the fiscal year in which the benefit is paid. ( )

**b.** Payments to Idaho Colleges and Universities. ( )

**i.** Annual scholarship payments will be made in two (2) equal installments, one (1) each at the beginning of each semester. ( )

**ii.** Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payments are made. This proof must be obtained for each semester in which scholarship payments are made. ( )

**iii.** Students may apply to the State Department of Education to receive a multi-year

scholarship over fewer years if the student will graduate from an Idaho public college or university in less than the number of scholarship years. ( )

iv. The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 15 for the first semester and January 15 for the second semester. ( )

c. Payments to LEAs ( )

i. The State Department of Education will make a single annual payment to eligible LEAs by no later than October 1 of each year for all early graduates who are not attending the LEA that school year as a result of early graduation. ( )

ii. Payments will not be made to LEAs who fail to meet the reporting requirements. ( )

**1178.** -- 127. (RESERVED).