

EDUCATION COMMITTEE
ADMINISTRATIVE RULES REVIEW
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2013 Legislative Session

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

08.01.10 - IDAHO COLLEGE WORK STUDY PROGRAM

DOCKET NO. 08-0110-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is 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 Sections 33-105 and 33-4402, 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 proposed changes to IDAPA 08.01.10 will amend the formula used to determine the allocation of funds, streamline the administrative processes, and eliminate redundant sections of rule that are already outlined in Idaho code.

During the comment period, Board staff met with staff from some of Idaho's non-profit proprietary postsecondary educational institutions, as a result it was determined that some of the changes would adversely affect their work study programs. Amendments have been made to the rule reinstating language regarding the educational need requirements in Sections 101 and 107.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 115 through 118](#).

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

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

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582, fax: (208)334-2632

THE FOLLOWING NOTICE WAS 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 33-4402, 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 17, 2012.

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:

Proposed changes will remove redundant sections that are contained in Chapter 44, Title 33, Idaho Code, simplify the distribution formula used for allocation of funds to institutions, remove the requirement that the work experience be related to the student's "field of study", and add sections required by the Office of the Administrative Rules Coordinator.

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(1), Idaho Code, negotiated rulemaking was not conducted because the agency determined it was not feasible due to time constraints associated with the rule promulgation process.

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, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.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 24, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0110-1201

000. LEGAL AUTHORITY.

The following rules are made under authority of Sections 33-105, 33-107, and 33-4402, Idaho Code, to implement the provisions of Chapter 44, Title 33, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 08.01.10, "Idaho College Work Study Program." ()

02. Scope. This rule establishes the administrative procedures necessary to implement a student financial and educational aid program as called for by Chapter 44, Title 33, Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of this rule. ()

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the Rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative hearings and appeals allowed by law shall be governed according to the provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference. ()

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. ()

02. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. ()

03. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. ()

04. Telephone. The telephone number of the Board is (208) 334-2270. ()

05. Facsimile. The facsimile number of the Board is (208) 334-2632. ()

06. Electronic Address. The electronic address of the Board of Education at www.boardofed.idaho.gov. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule is subject to the provisions of the Public Records Act, Title 9, Chapter 3, Idaho Code. ()

~~007.~~ -- 099. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

101. INSTITUTIONAL PARTICIPATION.

Eligible postsecondary institutions are defined by statute. In order to participate in the program during a specific fiscal year, eligible institutions shall: (7-1-93)

01. Annual Application. Submit to the Office of the State Board of Education an annual application on or before the November 1 preceding the beginning of the fiscal year. (7-1-93)

02. Enrollment Form. Submit to the Office of the State Board of Education a properly completed and accurate Student Enrollment Form (PSR-1) for the fall semester ~~preceding prior to~~ the ~~previous~~ fiscal year. The required PSR-1 shall be submitted ~~on or before the November 1 preceding the beginning of the fiscal year~~ each February as directed by the Office of the State Board of Education. (7-1-93)()

03. Educational Need. Eligible postsecondary institutions participating in the educational need, work experience portion of the work study program shall submit to the Office of the State Board of Education, on or before August 1 preceding the beginning of the academic year, requirements for determining educational need, in accordance with Section 33-4405, Idaho Code, and Section 8 of this chapter. (7-1-93)

102. ALLOCATION OF FUNDS.

Funds appropriated to the Office of the State Board of Education for the Idaho College Work Study Program shall be allocated to participating institutions based on enrollment data submitted by each institution on the Student Enrollment Form (PSR-1) for the fall semester *immediately preceding prior to* the *previous* fiscal year of participation. The allocation shall be based on the *number of full-time equivalent (FTE) students multiplied by a residency* **appropriation for that fiscal year multiplied by an enrollment** factor. The *residency enrollment* factor shall be calculated by dividing the headcount of *full-time* resident *degree-seeking* students **at the participating institutions** by the **total** headcount of *full-time* resident *degree-seeking* students **for all participating institutions**. *The adjusted number of FTE students for each institution divided by the adjusted total number of FTE students for all participating institutions shall determine the proportion of the appropriation for the Idaho College Work Study Program to be allocated to each institution.* (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

105. DISTRIBUTION OF FUNDS.

Funds allocated to participating institutions for a specific fiscal year by the Office of the State Board of Education shall be distributed to the institution *no later than August 15 and January 15 of the fiscal year* **during the fall term for the academic year.** (7-1-93)()

106. CARRYOVER FUNDS.

Participating institutions may carry over up to ten percent (10%) of the work study program funds received in one fiscal year to the next fiscal year, provided however, that any carryover funds shall be used exclusively in the work study program. Any unexpended funds in excess of the ten percent (10%) provided herein shall be returned to **and redistributed by** the Office of the State Board of Education *to be reallocated to the work study account.* (7-1-93)()

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

**08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL
INSTITUTIONS AND PROPRIETARY SCHOOLS**

DOCKET NO. 08-0111-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is 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 Sections 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 proposed changes to IDAPA 08.01.11 change the reporting year for establishing the gross Idaho tuition revenue from the previous registration year to the previous tax reporting year and adds language requiring institutions to provide information to students regarding the availability and location of clinical and internship positions for those programs that require clinical or internships as part of the course or courses of study.

The only change to the rule is additional language in Section 200 aligning the notification requirement to students.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 119 through 126](#).

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

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

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582
fax: (208)334-2632

THE FOLLOWING NOTICE WAS 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 17th, 2012.

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:

Proposed changes would expand the accreditation organizations recognized by the Board of Education, amend the period for establishing the gross Idaho tuition for registration purposes to the tax reporting year rather than the State fiscal year, and require greater transparency in notification to potential students for those courses or courses of study that may require a clinical or internship component.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 4, 2012 Idaho Administrative Bulletin, [Volume 12-7, page 31](#).

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, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.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 24, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0111-1201

100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

For purposes of registration of post-secondary educational institutions, the Board recognizes the regional and national accreditation organizations 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 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. (3-29-12)()

101. -- 199. (RESERVED)

200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

01. Delegation. Section 33-2403, Idaho Code, provides that a post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

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. (3-29-12)

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)

d. A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. (3-29-12)

e. There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. (3-29-12)

03. Idaho Presence. (3-29-12)

a. 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, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

b. Idaho presence shall include medical/osteopathic education clinical instruction occurring in the state of Idaho as part of a course of study leading to a degree pursuant to a formal arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction. (3-29-12)

c. Idaho presence shall not include: (3-29-12)

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; (3-29-12)

ii. Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; (3-29-12)

iii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive

course credit from an institution related to such activities; or (3-29-12)

iv. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

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, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the date when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), 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. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (3-29-12)

c. Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. (3-29-12)

05. Institutions That Must Register. Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (3-29-12)

06. 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)

07. 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 tax reporting year (Jan 1 - Dec 31), 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 nonrefundable. ~~(3-29-12)~~ ()

08. 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 the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

09. Information Required. (3-29-12)

a. An application must include all the information requested on the application form, as well as the following information: (3-29-12)

- i. Copy of most recent accreditation letter showing the period of approval; (4-7-11)
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii. Enrollment data for current and past two (2) years; (4-9-09)
- iv. Copy of annual audited financial statement; (4-9-09)
- v. Any additional information that the Board may request. (4-9-09)

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

b. The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.07 of this rule, shall remain applicable. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Delegation. Section 33-2403, Idaho Code, provides that a proprietary school must

hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

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

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

b. Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issuance of a certificate of registration and continue through June 30 of the next succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. (3-29-12)

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. (3-29-12)

a. A school 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, or 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, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

b. Idaho presence shall not include: (3-29-12)

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 300.03.a. of this rule; (3-29-12)

ii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

iii. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

04. Exemptions from Registration. The following individuals or entities are

specifically exempt from the registration requirements of this rule: (4-9-09)

a. An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the Board. (3-29-12)

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

c. An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student. (4-9-09)

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to Title 54, Idaho Code. (4-9-09)

e. An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation. (4-9-09)

f. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year. (3-29-12)

g. A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-9-09)

h. An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the Western Governors University. (3-29-12)

i. An individual or entity that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount equal to or less than fifteen (15) percent of the total course or program cost. (3-29-12)

05. Application. A proprietary school 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 a form provided by the Board office. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (3-29-10)

06. Registration Fees. The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous *registration tax reporting* year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (~~3-29-12~~)()

07. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. A school should expect the Board 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 the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

08. Information Required. Such application must include all the information requested on the application form. In addition, a school must attest by signature of the primary official on the application form that it is in compliance with Standards I through V set forth in Section 301 of this rule and must provide verification of compliance with Standards I through V set forth in Section 301 of this rule upon request. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 300.06 of this rule, shall remain applicable. (3-29-12)

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. (4-7-11)

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, instructor and/or school official must be appropriately qualified by the trade board (as applicable) to ensure courses are of high quality and the rights of students are protected. (3-29-12)

d. Written policies must 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. (4-7-11)

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. Schools offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. 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. (~~3-29-12~~)()

02. Standard II - Courses or Courses of Study. Instruction must be the primary focus of the school. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (3-29-12)

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 follow applicable trade board training curriculum standards or 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. (3-29-12)

b. Written course descriptions must be developed for all courses or courses of study. Written course descriptions must be provided to instructors. Instructors are expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (3-29-12)

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, and the refund policy, must be given to students in writing. (3-29-12)

03. Standard III - Student Support Services. The school must have clearly defined written policies that are readily available to students. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (3-29-12)

a. The admission of students must be determined through an orderly process established in a written policy using published criteria which must be uniformly applied. Admissions decisions must take into account the capacity of the student to grasp and complete the instructional training program and the ability of the school to handle the unique needs of the

students it accepts. (3-29-12)

b. There must be a clearly defined policy to re-evaluate students dismissed from the school and, if appropriate, to readmit them. (3-29-12)

c. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, given 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. (3-29-12)

d. Prior to enrollment, all prospective students must receive the following information in writing: (3-29-12)

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)

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/Instructor Qualifications and Compensation. (3-29-12)

a. Instructor qualifications (training and experience) must be recorded and available to students. (3-29-12)

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 classroom and training facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (3-29-12)
- b.** The school must have sufficient instructional resource materials 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 for a comparable teach-out opportunity with another proprietary school or refund one hundred (100) percent of prepaid tuition. (3-29-12)
- c.** School financial/business records and reports must be kept 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. (3-29-12)
- 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)

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

08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM

DOCKET NO. 08-0114-1201 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 33-105, and Chapter 37 Title 33, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 127](#).

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

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

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582
fax: (208)334-2632

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **August 16, 2012**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105, and Chapter 37 Title 33, 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 17, 2012.

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

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

Changes to Chapter 37, Title 33 during the 2012 legislative session have made this rule obsolete and this section is being repealed in its entirety.

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

To come into compliance with amendments made to Chapter 37, Title 33, Idaho Code made during the 2012 legislative session.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is to come into compliance with changes made to statute during the 2012 legislative session.

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 rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.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 24th, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0114-1201

IDAPA 08.01.14 IS BEING REPEALED IN ITS ENTIRETY

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

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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:

No public comments were received during the proposed rule public comment period regarding the clarifications for IDAPA 08.02.02.023.10, "Endorsements E - L Health (6-12 or K-12)," 08.02.02.024.07, "Endorsements M - Z Physical Education (PE) (6-12 or K-12)," or for the proposed amendment to IDAPA 08.02.02.028.02, "Generalist Endorsement (K-12)," therefore the Professional Standards Commission has adopted these amendments as originally proposed and is submitting this pending rule for final approval by the Legislature.

Multiple public comments were received in opposition to the proposed amendment to IDAPA 08.02.02.026.03, "Director of Special Education and Related Services Endorsement (Pre-K-12)." The Professional Standards Commission discussed the opposing comments during their October 2012 meeting and agreed that this proposed amendment should not be brought forward in this pending rule for final approval by the Legislature. The proposed amendment to this subsection is being removed from the pending rule and the rule will remain as currently codified.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7 Pages 32 through 39](#).

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: These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Christina Linder at clinder@sde.idaho.gov or phone 208-

332-6886.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

THE FOLLOWING NOTICE WAS 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.

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 July 18, 2012.

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:

Subsection 023.10 Endorsements E - L Health (6-12 or K-12) - This rule clarification is in response to a simple oversight. The 2011 approved language currently indicates that all candidates, regardless of the endorsement grade level, shall take an elementary health methods course. The intent of the endorsement is that only candidates seeking the K-12 option shall take an elementary methods course, which this change reflects.

Subsection 024.07 Endorsements M - Z Physical Education (PE) (6-12 or K-12) - This rule clarification is in response to a simple oversight. The language currently indicates that all candidates, regardless of the endorsement grade level, shall take an elementary PE methods course. The intent of the endorsement, and common practice since its approval in 2007, has been that only candidates seeking the K-12 option shall take an elementary PE methods course, which this change reflects.

Subsection 026.03 Director of Special Education and Related Services Endorsement (Pre-K-12) - The Standards Committee of the Professional Standards Commission discussed feedback received in response to a recent Idaho Association of School Administrators (IASA) sponsored survey regarding the current Director of Special Education endorsement. Currently, the endorsement allows educators without direct special education experience to become endorsed as Directors of Special Education. Approximately 68 percent (68%) of special education staff and administrators surveyed agreed that Special Education Directors should have at least 3 to 4 years of direct experience serving special needs students.

The Professional Standards Commission approved the Standards Committee's recommendation to request a minimum of 3 years of classroom experience working with special needs populations in order to qualify for the Special Education Director endorsement and, therefore, requested that Department of Education staff clarify the rule to reflect this requirement and submit it to the State Board of Education for final approval.

Subsection 028.02 Generalist Endorsement (K-12) - Department of Education staff recently noted that the current rule for the special education Generalist K-12 endorsement does not specify that an internship is required, but it is implied, and is common practice. The Standards Committee of the Professional Standards Commission requested that State Department staff add the necessary clarifying language "field work to include an internship and student teaching in a special education setting" to the Generalist K-12 endorsement language in Subsection 08.02.02.028.02.

The full Commission approved the Standards Committee's recommendation to clarify the field work requirement and, therefore, requested that Department of Education staff clarify the rule to reflect this requirement and submit it to the State Board of Education for final approval.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no imposed or increased fee associated with these changes.

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: These changes result in no fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because:

This rule clarification is in response to a simple oversight. The language currently indicates that all candidates, regardless of the endorsement grade level, shall take an elementary PE methods course. The intent of the endorsement, and common practice since its approval in 2007, has been that only candidates seeking the K-12 option shall take an elementary PE methods course, which this change reflects.

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 Christina Linder at clinder@sde.idaho.gov or phone 208-332-6886.

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 July 25, 2012.

DATED this 15th day of June, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1201

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 a modern language other than English; 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. (3-29-12)

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. Remaining semester credits must be in health-related course work. To obtain a Health K-12 endorsement, applicants must complete an elementary Health methods course. (4-7-11)()

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 must complete an elementary music methods course. (4-7-11)

05. Natural Science (6-12). Follow one (1) of the following options: (4-7-11)

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: (4-7-11)

i. Existing Biological Science Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. (4-7-11)

ii. Existing Physics Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. (4-7-11)

iii. Existing Chemistry Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology. (4-7-11)

iv. Existing Earth Science or Geology Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. (4-7-11)

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. (4-7-11)

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. To obtain a PE K-12 endorsement, applicants must complete an elementary PE methods course. ~~(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)

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, with field work to include an internship and student teaching in a special education setting. 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: (4-7-11)

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. (4-7-11)

04. 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)

05. 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)

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

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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 August 1, 2012, Idaho Administrative Bulletin, **Vol. 12-8, pages 22 and 23**.

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720, Boise, Idaho 83720-0027
Phone: 208-332-6800 / Fax: 208-334-2228

THE FOLLOWING NOTICE WAS 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 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2012.

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:

As part of the Idaho Math Initiative, teachers and administrators must take the Mathematical Thinking for Instruction class (MTI). Section 33-1204, Idaho Code, Idaho Administration Code - IDAPA 08.02.02.016.

The proposed rule would offer a waiver to those educators who are not currently employed or live outside of the state of Idaho. The rule also offers a standard three year interim certificate for those educators who move to the state and haven't taken the MTI course to be certified while they take the course.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the waiver allows time for an out-of-state applicant to meet the requirement or those not currently employed as an educator, an opportunity to waive the certification requirement until such time as they become employed as an educator in Idaho.

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: Luci Willits at the address listed below or by e-mail at lbwillits@sde.idaho.gov or phone 208-332-6814.

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 August 22, 2012.

DATED this 21st day of June, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1202

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: (4-7-11)

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), including all school district and charter administrators. (~~3-29-10~~)()

02. Out-of-State Applicants. ()

a. 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)

b. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Mathematics In-service program requirement. ()

03. Waiver of Mathematics In-Service Program. When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual who lives outside of the state of Idaho or who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. ()

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

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 128 and 129](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education, Boise, Idaho, 208-332-6886.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

THE FOLLOWING NOTICE WAS 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 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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

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

Standards Revisions:

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 spring 2012 the Core Teacher Standards, Bilingual/ English as a New Language Teacher standards, Foreign Language Teacher standards and Professional Technical Education Teacher standards were reviewed by committees of content experts. The Professional Technical Education Standards review also included the following enhancement standards: Agriculture Science and Technology, Business Technology Education, Family and Consumer Sciences, Marketing Technology Education, and Technology Education. All standards and endorsements were revised to better align with national standards and best practices; then presented to the Professional Standards Commission for review. The Professional Standards Commission has recommended for approval the committees' proposed revisions.

Teacher Leader Standards Adoption:

Students Come First is Idaho's education reform which focusses on fostering great teachers and leaders. Because the quality of the teacher in the classroom is the most important factor in a student's academic success, the Idaho State Department of Education is focusing on building great teachers and leaders through certification requirements as well as pre-service training, professional development, statewide pay-for-performance, and improved performance evaluations for a systemic approach to educator effectiveness.

As part of this effort, the Professional Standards Commission has recommended the adoption Teacher Leader Standards for Idaho. The recommended standards are grounded in the national work of the Teacher Leadership Exploratory Consortium. The Consortium is made up of a variety of education stakeholders, including union representatives, teachers, school administrators, policy organizations such as Council of Chief State School Officers (CCSSO), and leaders in higher education.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: 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:

The excessive size of the Idaho Standards for Initial Certification of Professional School Personnel prohibits its inclusion, in its entirety, in Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Christina Linder by email at cplinder@sde.idaho.gov or by phone at 208-332-6886 or at the address listed below.

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 24, 2012.

DATED this 16th day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1203

004. INCORPORATION BY REFERENCE.

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

01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on ~~November 17, 2010~~ August 16, 2012. Copies of this document can be found on the Office of the State Board of Education website at www.boardofed.idaho.gov. (~~4-7-11~~)()

02. Standards for Idaho School Buses and Operations as approved on June 23, 2011. 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/site/transportation/library.htm>. (3-29-12)

03. Operating Procedures for Idaho Public Driver Education Programs as approved on November 17, 2010. The 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/forms_curriculum.htm. (4-7-11)

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

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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:

At the request of the State Board of Education, the definition of Teacher Leader was added to ensure clarity as the state moves into a new era of supporting and acknowledging teacher leadership through earned endorsements, IDAPA 08.02.02.007.10.

Public comments were received requesting clarification on the proposed amendment to IDAPA 08.02.02.016.03, "Idaho Educator Credential Renewal Requirement – Comprehensive Literacy." The pending rule has been revised to more clearly align with other credential renewal requirements and to more clearly reflect the intent of the requirement.

No public comments were received on the proposed amendment to IDAPA 08.02.02.021, 022, 023, 024, or 029 during the public comment period. As a result, the pending rule has been adopted as originally proposed.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 130 through 139](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Christina Linder by email at clinder@sde.idaho.gov, or by

phone at 208-332-6886, or at the address listed below.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 8720
Boise, Idaho 83720-0827
Phone: 208-332-6800
Fax: 208-334-2218

THE FOLLOWING NOTICE WAS 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 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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:

08.02.02.016, Idaho Educator Credential Renewal Requirement, Subsection 016.03, Comprehensive Literacy.

This new subsection is necessary to remedy an oversight regarding renewal requirements for certificate holders. The Idaho Comprehensive Literacy requirements were amended and moved from statute into Administrative Rule in 2011. While interim and initial certification requirements were addressed, no specific language was promulgated to require the Idaho Comprehensive Literacy Course for those renewing Idaho certificates.

08.02.02.021, Endorsements

This rule clarification is necessary in order to clearly stipulate that the Idaho Standards for Initial Certification of Professional School Personnel are the specific standards by which Idaho institutions must align their educator preparation programs in order to gain approval for teacher

certification.

08.02.02.022, Endorsements A - D, Subsections 022.01, Agriculture Science and Technology (6-12); 022.04, Bilingual Education (K-12); and 022.06, Business Technology Education (6-12).

08.02.02.023, Endorsements E - L, Subsections 023.04, English as a New Language (ENL) (K-12); 023.05, Family and Consumer Sciences (6-12); and 023.06, Foreign Language (6-12 or K-12).

08.02.02.024, Endorsements M - Z, Subsections 024.01, Marketing Technology Education (6-12); 024.14, Technology Education (6-12); and 024.15, World Language (6-12 or K-12).

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 spring 2012 the Core Teacher Standards, Bilingual/English as a New Language Teacher standards, Foreign Language Teacher standards and Professional Technical Education Teacher standards were reviewed by committees of content experts. The Professional Technical Education Standards review also included the following enhancement standards: Agriculture Science and Technology, Business Technology Education, Family and Consumer Sciences, Marketing Technology Education, and Technology Education. All standards and endorsements were revised to better align with national standards and best practices, then presented to the Professional Standards Commission for consideration. The Professional Standards Commission has recommended approval of all of the committee's proposed revisions including renaming the Foreign Language standards and endorsement to World Language.

08.02.02.029, Consulting Teacher Endorsement Subsections 029.01 and 029.02:

This rule revision is in response to two primary areas of deficit within the existing Consulting Teacher Endorsements.

Consulting teachers are teacher leaders who facilitate the design and implementation of sustained, intensive, and job-embedded professional learning for other teachers based on identified student and teacher needs.

As Idaho continues to recognize the need for teacher leaders, it is necessary to standardize content competencies. Amendment to the rule promotes consistency and aligns to more closely align with current Idaho standards and national best practices.

Teachers in these positions can support and inform school leaders, creating a culture of success that can reverberate across their districts and beyond. Working with their colleagues, teacher leaders can implement strategies that improve student learning. Research shows that collective leadership has a stronger influence on student achievement than individual leadership. The proposed teacher leader standards seek to generate collective leadership by fostering professional discussion about best practices and advancing new roles for teachers to serve.

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

There is no imposed or increased fee associated with these changes.

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:

The Professional Standards Commission, out of a dedicated fund, incurred the expense of the revision process and negotiated rulemaking for these renewal and endorsement requirements.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because: 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Christina Linder by email at clinder@sde.idaho.gov, or by phone at 208-332-6886, or at the address listed below.

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 24, 2012.

DATED this 16th day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1204

007. DEFINITIONS.

01. Active Teacher. K-12 teacher with a valid Idaho certificate who is currently teaching in an Idaho K-12 classroom/school. (3-16-04)

02. Alternative Routes. Routes to teacher certification designed for candidates who want to enter the teaching profession from non-education professions or the para-educator profession, or for teachers lacking certification in a specific area defined as an emergency district need. (3-16-04)

03. Credential. The general term used to denote the document on which all of a person's educational certificates and endorsements are listed. The holder is entitled to provide educational services in any and/or all areas listed on the credential. (3-16-04)

04. Endorsement. Term used to refer to the content area or specific area of expertise in which a holder is granted permission to provide services. (3-16-04)

05. Idaho Student Achievement Standards. Standards of achievement for Idaho's K-12 students. See IDAPA 08.02.03, "Rules Governing Thoroughness." (3-16-04)

06. Institutional Recommendation. Signed form or written verification from an accredited institution with an approved teacher preparation program stating that an individual has completed the program and is now being recommended for state certification. (3-16-04)

07. Orientation. School district/school process used to acquaint teachers new to district/school on its policies, procedures and processes. (3-16-04)

08. Para Educator. Aides and assistants employed by school districts to supplement instruction and provide additional assistance to students. (3-16-04)

09. Pedagogy. Teaching knowledge and skills. (3-16-04)

10. Teacher Leader. *A master teacher who facilitates the design and implementation of sustained, intensive, and job embedded professional learning based on identified student and teacher needs.* ()

(BREAK IN CONTINUITY OF SECTIONS)

016. IDAHO EDUCATOR CREDENTIALS

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: (4-7-11)

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)

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

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

02. Out-of-State Applicants - Mathematical Thinking for Instruction. 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)()

03. Renewal Requirement - Idaho Comprehensive Literacy Course. In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy 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 016.03.a. through 016.03.c. shall successfully complete an Idaho Comprehensive Literacy course in order to recertify. ()

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); ()

b. Each teacher holding a Standard Elementary Certificate (K-8); and ()

c. Each teacher holding a Standard Exceptional Child Certificate (K-12). ()

04. Out-of-State Applicants - Idaho Comprehensive Literacy Course. Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. ()

(BREAK IN CONTINUITY OF SECTIONS)

021. ENDORSEMENTS.

Holders of a Secondary Certificate or a Standard Elementary Certificate, Exceptional Child Certificate, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Idaho preparation

programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching major or minor if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (3-29-12)()

022. ENDORSEMENTS A - D.

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

a. Forty-five (45) semester credit hours including standards based 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 that relates to the appropriate area(s) 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. (4-7-11)

04. Bilingual Education (K-12). Twenty (20) to forty-five (45) semester credit hours leading toward competency as defined by Idaho Standards for Bilingual Education Teachers to include ~~six (6)~~ all of the following: at least nine (9) upper division semester credit hours in one (1) Modern Languages other than English, including writing and literature, and advanced proficiency according to the American Council on the Teaching of Foreign Languages (ACTFL) guidelines; cultural diversity; ~~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 second language acquisition theory and practice;~~ Foundations of ENL/Bilingual Education, Federal and State Law, Theory; Testing/identification of Limited English Proficient Students; ~~one (1)~~ at least two (2) semester credit hours in Bilingual Practicum; and ~~one (1)~~ three (3) semester credit hours in a Bilingual Field Experience Education related elective (ex: linguistics, critical pedagogy, parent involvement). (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) ~~to forty-five (45)~~ semester credit hours to include ~~standards based~~ course work in each of the following areas: ~~Intermediate or Advanced Keyboarding; Accounting; and Business Office Procedures~~ ~~computer and technical applications in business; economics; methods of teaching business education; Professional-Technical Student Organization (PTSO) leadership; business communication/writing; and office procedures. Additional competencies may be satisfied through the following: entrepreneurship; finance; marketing; business law; and/or career guidance.~~ (3-16-04)()

b. Occupational teacher preparation ~~that relates to the appropriate area(s)~~ 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)

10. Drama (6-12). 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. (4-7-11)

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 economic 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) ~~to forty-five (45)~~ semester credit hours ~~leading toward competency as defined by Idaho Standards for ENL Teachers~~ to include ~~all of the following: a least~~ four (4) semester credit hours in a modern language other than English; ~~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~~ ~~second language acquisition theory and practice~~; Foundations of ENL/Bilingual Education, Federal and State Law, ~~Testing~~; Testing/Identification of Limited English Proficient Students; ~~and at least~~ one (1) semester credit in ENL Practicum or Field Experience; ~~and three (3) semester credit hours in an ENL-related elective.~~ (3-29-12)()

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

a. Thirty (30) ~~to forty-five (45)~~ semester credit hours to include ~~standards based~~ coursework in each of the following ~~areas~~: Child/Human Development; Human/Family Relations; Directed Laboratory Experience in Childcare; ~~Clothing Apparel~~ 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; ~~Professional-Technical Student Organization (PTSO) leadership~~; and Integration of Family Consumer Sciences or Family Consumer Science Methods. (3-16-04)()

b. Occupational ~~T~~eacher ~~P~~reparation ~~that relates to the appropriate area(s)~~ 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)~~

076. 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)

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

078. 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)

109. 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. Remaining semester credits must be in health-related course work. (4-7-11)

110. 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)

121. 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)

132. 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)

143. 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)

54. 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

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

a. Twenty (20) ~~to forty-five (45)~~ semester credit hours to include standards based course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; ~~and Curriculum and Materials Marketing Methods of Teaching Marketing Education and Professional-Technical Student Organization (PTSO) Leadership~~, with remaining credit hours in ~~the field of business~~ Entrepreneurship; Hospitality and Tourism; Finance; or Accounting. (3-16-04)()

b. Occupational teacher preparation ~~that relates to the appropriate area(s)~~ 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 must complete an elementary music methods course. (4-7-11)

05. Natural Science (6-12). Follow one (1) of the following options: (4-7-11)

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: (4-7-11)

i. Existing Biological Science Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Physics, Chemistry, and Earth Science or Geology. (4-7-11)

ii. Existing Physics Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Chemistry, and Earth Science or Geology. (4-7-11)

iii. Existing Chemistry Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Earth Science or Geology. (4-7-11)

iv. Existing Earth Science or Geology Endorsement. Minimum of eight (8) semester credit hours in each of the following areas: Biology, Physics, and Chemistry. (4-7-11)

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. (4-7-11)

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) to forty-five (45) semester credit hours to include standards based course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation and other relevant emerging technologies; and Principles of Technology Engineering Design. (3-16-04)()

b. Occupational teacher preparation that relates to the appropriate area(s) as provided in Sections 034 through 038. (3-16-04)()

15. World Language (6-12 or K-12). Twenty (20) to forty-five (45) semester credit hours to include a minimum of twelve (12) upper division credits in a specific world language taken within the last ten (10) years leading to a proficiency level as defined by a state-approved exam (for example, a passing grade on the Praxis or an Advanced level as defined by the American Council on the Teaching of Foreign Languages (ACTFL)). Standards based course work must include 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. ()

(BREAK IN CONTINUITY OF SECTIONS)

029. CONSULTING TEACHER/TEACHER LEADER ENDORSEMENT.

Consulting teachers provide technical assistance to teachers and other staff in the school district with regard to the selection and implementation of appropriate teaching materials, instructional strategies, and procedures to improve the educational outcomes for students. They may also provide direct intervention for students with significant needs. Candidates who hold this endorsement are teacher leaders who will facilitate the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. This endorsement is valid for five (5) years and is renewable based upon successful completion and verification of an additional four (4) semester credits beyond those required for standard certification renewal. The additional credits shall be taken for university or college credit consistent with the Individual Professional Learning Plan (IPLP). (3-29-10)()

01. Special Education Consulting Teacher - Eligibility for Endorsement. To be eligible for a Special Education Consulting Teacher endorsement on the Standard Exceptional Child Certificate, the Early Childhood /Early Childhood Special Education Blended Certificate (Birth-Grade 3), the Standard Elementary Certificate or the Standard Secondary Teaching Certificate, a candidate must have satisfied the following requirements: (3-29-10)

a. Education Requirements. Qualify for or hold a Standard Exceptional Child Certificate and qualify for or hold a Standard Elementary Certificate, Standard Secondary

Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3). ~~Plus completion, in an accredited college or university, of, and hold~~ a master's degree or an approved fifth year program as defined by the Idaho State Board of Education, and have demonstrated content competencies in the following areas: ()

- ~~i.~~ Assessment of learning behaviors; ()
 - ~~ii.~~ Individualization of instructional programs based on educational diagnosis; ()
 - ~~iii.~~ Behavioral and/or classroom management techniques; ()
 - ~~iv.~~ Program implementation and supervision; ()
 - ~~v.~~ Knowledge in use of current methods, materials and resources available and management and operation of media centers; ()
 - ~~vi.~~ Ability in identifying and utilizing community or agency resources and support services; and ()
 - ~~vii.~~ Counseling skills and guidance of professional staff. (4-11-06)()
- b.** Experience. Completion of a minimum of three (3) years' teaching experience, at least two (2) years of which must be in a special education classroom setting. (3-16-04)

~~c. Letter of Recommendation: Provide a letter of recommendation from the superintendent of a school district that provides verification of demonstrated competencies in the following areas: assessment of learning behaviors; individualization of instructional programs based on educational diagnosis; behavioral and/or classroom management techniques; program implementation and supervision; knowledge in use of current methods, materials and resources available and management and operation of media centers; ability in identifying and utilizing community or agency resources and support services; and counseling skills and guidance of professional personnel and three (3) years of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools and Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include:~~ (4-11-06)()

~~i. Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and ()~~

~~ii. The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: ()~~

~~(1) Understanding Adults As Learners to Support Professional Learning Communities; ()~~

~~(2) Accessing and Using Research to Improve Practice and Student Achievement; ()~~

- (3) Promoting Professional Learning for Continuous Improvement; ()
- (4) Facilitating Improvements in Instruction and Student Learning; ()
- (5) Using Assessments and Data for School and District Improvement; ()
- (6) Improving Outreach and Collaboration with Families and Community; and ()
- (7) Advocating for Student Learning and the Profession. ()

d. ~~Three (3) years~~ Not less than one (1) semester of successful experience as a special education teacher working with classroom teachers in elementary or secondary schools. (4-11-06)()

02. Mathematics Consulting Teacher - Eligibility for Endorsement. To be eligible for a Mathematics Consulting Teacher endorsement on the Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3), a candidate must have satisfied the following requirements: (3-29-10)

a. Education Requirements. Qualify for or hold a Standard Elementary Certificate, Standard Secondary Certificate, Standard Exceptional Child Certificate, or Early Childhood/Early Childhood Special Education Blended Certificate (Birth-Grade 3) and have demonstrated content competencies, ~~in the following areas through a minimum of twenty (20) semester credit hours of eCoursework;~~ and content domains required include the full series of Mathematics Thinking for Instruction (MTI), Number and Operation, Geometry, Algebraic Reasoning, Measurement and Data Analysis, and Statistics and Probability which are centered on the following emphases: (3-29-10)()

~~bi. The competencies are centered on four emphases: Big Ideas in Structural Components of Mathematics;~~ ()

~~ii. Modeling, Justification, Proof and Argumentation, Generalization;~~ ()

~~iii. Mathematics Knowledge for Teaching, and Rich Tasks. Coursework required includes the full series of Mathematics Thinking for Instruction (MTI), Geometry & Measurement, Algebraic Reasoning, and Data Analysis & Probability (Ball, Thames, & Phelps, 2008).~~ (3-29-10)()

~~eb.~~ Experience. Completion of a minimum of three (3) years' teaching experience. (3-29-10)

~~ec.~~ Assessment of Performance. ~~Prior to being granted the Mathematics Consulting Teacher endorsement, candidates must have proof of successful performance through teacher portfolios. These portfolios will include both quantitative and qualitative measurements such as pre and post interviews, teacher knowledge inventories, classroom video, lesson plans, and~~

~~student work samples.~~ Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include: ~~(3-29-10)~~()

i. Ninety (90) contact hours to include a combination of face-to-face and field-based professional development activities; and ()

ii. The development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards as follows: ()

(1) Understanding Adults As Learners to Support Professional Learning Communities; ()

(2) Accessing and Using Research to Improve Practice and Student Achievement; ()

(3) Promoting Professional Learning for Continuous Improvement; ()

(4) Facilitating Improvements in Instruction and Student Learning; ()

(5) Using Assessments and Data for School and District Improvement; ()

(6) Improving Outreach and Collaboration with Families and Community; and ()

(7) Advocating for Student Learning and the Profession. ()

d. Not less than one (1) semester of successful experience as a mathematics teacher working with classroom teachers in elementary or secondary schools. ()

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

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1206

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is 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 Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

The proposed changes to IDAPA 08.02.02 would repeal three sections of rule that expired July 1, 2006 (.039, 040, and 041.) and clarify the alternate route to certification process. The process surrounding the attainment of certification through an alternate route is confusing, especially in the area of para educator to teacher. It has proven to be very difficult for a para professional to attain certification within the allotted five (5) years, as specified under the present conditions. Additionally, the current para educator to teacher process does not meet federal regulation regarding alternate routes to teacher certification. The new language will align the requirements for para professionals and with those of a content specialist and eliminate the para educator to teacher route.

Changes have been made to the rule to further clarify what extenuating circumstances would be acceptable for receiving a waiver under subsection 045.04.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 148 through 154](#).

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 the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582, fax: (208)334-2632

THE FOLLOWING NOTICE WAS 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, 33-116, and 33-1612, 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 17, 2012.

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 08.02.02 would repeal three sections of rule that expired July 1, 2006, (039, 040, and 041) and clarify the alternate route to certification process. The process surrounding the attainment of certification through an alternate route is confusing, especially in the area of paraprofessionals to certification. It has proven to be very difficult for a para professional to attain certification within the allotted five (5) years, as specified under the preset definition. Additionally, as a result of increased accountability for federal reporting, it became clear that the Para to Teacher Route was not a true alternate route, but really an incentivized “grow your own” program. The new language will make a legitimate process available for paraprofessionals and clarify the prerequisites, which are the same as those required for a content specialist. This will allow for the separate language for the paraprofessional to certification route subsection to be eliminated as the amended route will work within the language specified under alternate route-content specialist section.

There is also conflicting language in the rule regarding the Computer-Based Alternative Route to Certification. The proposed language will also clear up any question

regarding the completion of a two-year mentor program as part of the full certification process.

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(1), Idaho Code, negotiated rulemaking will be conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was not published due to timing issues. Negotiated rulemaking will be conducted in conjunction to the proposed rule publication.

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, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.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 24th, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1206

037. -- ~~038~~41. (RESERVED)

~~039. LIMITED APPROVAL ALTERNATIVES (EXPIRES JULY 1, 2006).~~

~~**01. Consultant Specialist Certificate.** At the request of a school district, the State Department of Education may issue a Consultant Specialist certificate to highly and uniquely qualified persons. The use of the certificate is limited to the applicant's district and is valid for one (1) year. It is intended that use of the Consultant Specialist provision be exceptional and occasional and not used as a regular hiring practice. (3-20-04)~~

~~**02. Letters of Authorization (LOA).** Letters of Authorization allow Idaho school districts to request emergency certification when a professional position cannot be filled with~~

~~someone who has the correct certificate. Individuals considered for an LOA must have at least a baccalaureate degree and must enroll in a program to achieve full certification in the area of authorization. A request for a Letter of Authorization shall be sent to the State Department of Education. The request and supporting information will be reviewed by the Professional Standards Commission, with the final recommendation of the Commission submitted by the State Superintendent of Public Instruction for State Board of Education approval. An LOA is valid for one (1) year and may renewed annually upon completion of nine (9) semester credit hours applicable to the standards for full certification in the area of authorization. (3-20-04)~~

~~**03. Limited Transitional Letter of Approval.** This non-renewable letter of approval is valid for one (1) year only. The purpose of the letter of approval is to allow a teacher with secondary certification (grades 6-12) to teach at the elementary levels (K-8) without additional student teaching, or vice versa. Other than student teaching, all other requirements for the desired certificate must be met. Upon successful completion of one (1) year of teaching while holding the Limited Transitional Letter of Approval, the educator will be eligible to hold the appropriate elementary or secondary certificate. To be eligible for a Limited Transitional Letter of Approval, the following requirements must be met: (3-20-04)~~

~~**a.** Must hold a valid Idaho Elementary or Secondary Teaching Certificate. (3-20-04)~~

~~**b.** Must provide verification of four (4) years of successful classroom teaching while holding the proper state certificate. (3-20-04)~~

~~**c.** Must have completed all of the requirements for the Standard Elementary Certificate, except student teaching, if the applicant currently holds a Standard Secondary Certificate. If the applicant currently holds a Standard Elementary Certificate, all of the requirements for a Standard Secondary Certificate must have been completed, except student teaching. (3-20-04)~~

~~**d.** Must provide the State Department of Education with written verification that a mentor teacher holding the same certificate as the one (1) the applicant is seeking will be provided for the applicant by the employing district; or be enrolled in a one (1) year supervised internship experience under the supervision of personnel from a college or university with an approved teacher preparation program. (3-20-04)~~

~~**04. Postsecondary Specialist.** A Postsecondary Specialist Letter of Approval may be granted to teaching faculty of Idaho public postsecondary institutions, who are not otherwise certificated, upon recommendation by the postsecondary institution (dean level or above) to be eligible to teach in the public schools. It is intended that the letter of approval will be used primarily for distance education and "virtual university" programs. The Postsecondary Specialist Letter of Approval is valid for five (5) years and is renewable. (3-20-04)~~

~~**040. MISASSIGNMENTS—GRANDFATHERING (EXPIRES JULY 1, 2006).**~~

~~**01. Certificate.** A person employed by a school district in a position requiring a certificate must hold a valid certificate for the service being rendered. In any situation in which a person not holding a specific endorsement is to provide educational services in a specific area, the employing district must apply to the State Department of Education for misassigned status to~~

~~place the individual in that assignment for the school year. The district must demonstrate in a written report that it has made a good faith effort to employ properly certificated educators for those duties and that a conscientious effort is being made to remedy each specific problem. Criteria for acceptance of the report includes the following: (3-20-04)~~

~~a. The duties may comprise no more than one-half (1/2) of the teacher's full time assignment; (4-1-97)~~

~~b. Teachers who are misassigned must have a minimum of six (6) semester hours of college credit in each subject area in which service is rendered; and (4-1-97)~~

~~c. Teachers who are misassigned must comprise no more than five percent (5%) of the total number of the district's certificated, full-time teachers, or five (5) teachers, whichever is greater. Districts which have secondary schools located more than fifteen (15) miles from another secondary school may misassign up to an additional five (5) teachers upon approval of the State Department of Education. However, in no circumstance will more than five (5) teachers be misassigned in any one building. (3-20-04)~~

~~02. **Effect of Accreditation.** All misassignments will be noted on the accreditation report. Any misassignments not meeting the above criteria may effect accreditation. Funds will be withheld for that portion of the misassigned person's time which exceeds the criteria included in this rule if a waiver has not been approved by the State Board of Education. (4-1-97)~~

~~**041. ALTERNATIVE CERTIFICATION (EXPIRES JULY 1, 2006).**~~

~~The purpose of this program is to provide an alternative for individuals to become certificated secondary teachers in Idaho without following a standard teacher education program. The purpose of this certification is to provide an alternative for individuals with strong subject matter background but limited experience with educational methodology. Qualified applicants will begin contracted teaching earlier and will be admitted to the program using criteria that are different from existing programs but more appropriate for the circumstances. This certification is valid for three (3) years and is non-renewable. To be eligible for alternative certification, the following requirements must be satisfied: (3-20-04)~~

~~01. **Initial Qualifications.** Prior to application: The prospective candidate must possess a baccalaureate (or higher) degree from an accredited college or university with a minimum grade point average of 2.0 on a four point zero (4.0) scale completed at least five (5) years earlier. Additionally, an applicant must hold academic credits equivalent to current major and minor requirements for secondary endorsements; be assured of full-time employment in an Idaho school district; and meet all non-academic requirements of the state of Idaho. (3-20-04)~~

~~02. **Teacher Trainee Program.** Alternative certification is valid for two (2) years of teaching. The teacher trainee program must be completed within three (3) calendar years from the date of admission to the program. It authorizes the teacher trainee to teach only the subject(s) listed on the letter of approval and only at the secondary level. (3-20-04)~~

~~a. A teacher trainee will work toward completion of the teacher trainee program through participating colleges and universities, the State Department of Education, and the employing school district. A teacher must attend, participate in, and successfully complete an~~

~~individualized two-year teacher trainee program as one of the conditions to receive recommendation for the Standard Secondary Teaching Certificate. A formal teacher trainee plan will be developed by a consortium composed of the mentor teacher, a representative from the school district, a representative of the State Department of Education, and a representative of the participating higher education institution with an approved secondary education program. Any deviation from the formal trainee plan must be approved by the consortium. The consortium will be responsible for the program design, supervision, and evaluation of the training. The teacher trainee program shall include: (3-20-04)~~

~~i. Prior to entering the classroom, completion of nine (9) semester credit hours of pre-service training from an institution of higher education in educational course work pertinent to the education profession. (3-20-04)~~

~~ii. Prior to completion of the Alternate Route Program, at least one (1) course in each of the following areas must be completed: Philosophical Foundations of Education; Psychological Foundations of Education; Methodology; Reading in the Content Area. (3-20-04)~~

~~iii. Completion of a thirty (30) hour, pre-service orientation presented by the school district prior to a classroom assignment. This orientation shall include district policies, procedures, curriculum, instructional model, community characteristics, and resources. (3-20-04)~~

~~iv. Completion of a four semester college/university internship. The trainee shall be enrolled in three (3) semester credit hours of internship each semester. (3-20-04)~~

~~v. Completion of a six to nine (6-9) semester credit hour program during the second summer from an institution of higher learning. The pre-service and second summer program of fifteen to eighteen (15-18) semester credit hours in total shall include: philosophical, psychological, and methodological foundations of the profession, and reading in the content area. The consortium will determine the content required for the trainee, which may include both pedagogical and subject area course work. When designing the content necessary for the individual teacher trainee to complete the program, the consortium shall consider previous college credit as documented in official transcripts. Efforts will be directed to provide observation and clinical experiences during the time prior to being assigned to the classroom. (3-20-04)~~

~~b. Assistance by Mentor Teachers: Each teacher trainee must be assisted by and guided throughout the two-year training period by a certificated employee of the district who has been designated as a mentor teacher. Principals must ensure that teacher trainees are provided with direct assistance, which should include close clinical supervision, especially at the beginning of the internship. (3-20-04)~~

~~e. Performance Evaluations: In order to receive a consortium recommendation for the Standard Secondary Teaching Certificate, the teacher trainee must complete at least two (2) years of successful performance as a teacher under the teacher trainee program. Principals are to provide assistance to teacher trainees regarding the purpose, expectations, and procedures involved in the evaluation process and with whatever guidance may be needed. The principal shall formally evaluate the teacher trainee at least once each semester of the school year. For purposes of suspension or dismissal, teacher trainees are to be treated as non-continuing contract employees. The district may suspend or dismiss teacher trainees in accordance with the~~

~~procedures as provided in Idaho Code. The Teacher Trainee Letter of Approval may be suspended or revoked if there is failure to satisfactorily and successfully complete the stages of the individualized plan within the specified time frames as established by the consortium; or failure to obtain at least a two point five (2.5) grade point average on a four point zero (4.0) scale in the college credit portion of the program. Also, no individual grade can be lower than a "C"; or any other causes for suspension or revocation as found in Section 33-1208, Idaho Code. (3-20-04)~~

~~d. The teacher trainee, upon successful completion of the teacher trainee program as verified by the consortium, will be eligible to apply for a Standard Secondary Teaching Certificate. The two (2) years of experience as a teacher trainee shall be counted toward continuing contract status as authorized in Section 33-515, Idaho Code. (3-20-04)~~

042. ALTERNATE ROUTES TO CERTIFICATION ~~(EFFECTIVE JULY 1, 2006).~~

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. ~~(3-20-04)()~~

043. ALTERNATIVE AUTHORIZATION – TEACHER TO NEW CERTIFICATION ~~(EFFECTIVE JULY 1, 2006).~~

The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable. (5-8-09)

01. Initial Qualifications. Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (5-8-09)

02. Alternative Route Preparation Program. (3-20-04)

a. Option I - Teacher to New Certification/Endorsement. (5-8-09)

i. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (3-20-04)

ii. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)

iii. Candidate shall meet all requirements for the endorsement/certificate as provided herein. (3-20-04)

b. Option II - National Board (endorsement only). By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area. (5-8-09)

c. Option III - Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (5-8-09)

d. Option IV - Testing and/or Assessment (endorsement only). Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (5-8-09)

i. Pathway 1 - Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1)-year state-approved mentoring component. (5-8-09)

ii. Pathway 2 - Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. (5-8-09)

044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST ~~*(EFFECTIVE JULY 1, 2006)*~~

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. (3-20-04)

01. Initial Qualifications. (3-20-04)

a. Prior to application, a candidate must hold a Bachelor's degree or *have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion.* ~~*(3-20-04)*~~ ()

b. The candidate shall meet enrollment qualifications of the alternative route preparation program. (3-20-04)

02. Alternative Route Preparation Program -- College/University Preparation. (3-20-04)

a. A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This

preparation must include mentoring and a minimum of one (1) classroom observation per month until certified. (3-20-04)

b. Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. (3-20-04)

c. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)

d. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences. (3-20-04)

e. Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment. (3-20-04)

045. COMPUTER-BASED ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.

An individual may acquire interim certification as found in Section 015 of these rules through a computer-based alternative route certification program. (4-6-05)

01. Approval of the Program. The State Board of Education must approve any computer-based alternative route to teacher certification. The program must include, at a minimum, the following components: (4-6-05)

a. Preassessment of teaching and content knowledge; (4-6-05)

b. An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)

c. Exams of pedagogy and content knowledge. (4-6-05)

02. Eligibility. Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this alternative route to an interim Idaho Teacher Certification. (4-6-05)

03. Requirements for Completion. To complete this alternative route, the individual must: (4-6-05)

a. Complete a Board approved program; (4-6-05)

b. Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)

c. Complete the Idaho Department of Education Criminal History Check. (4-6-05)

04. Interim Certificate. Upon completion of the computer-based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must **start complete** the mentoring program during the term of the interim certificate ~~and it may be completed after standard certification is granted.~~ In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (4-6-05)()

05. Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (4-6-05)

06. Types of Certificates and Endorsements. The computer-based alternative route may be used for initial certification, subsequent certificates, and additional endorsements. (4-11-06)

046. ~~PARA-EDUCATOR TO TEACHER (EFFECTIVE JULY 1, 2006). (RESERVED)~~
~~The purpose of this alternative route to certification is to encourage qualified para-educators employed in Idaho classrooms to become certificated teachers. The alternative route preparation program must be completed within five (5) calendar years from the date of admission to the program.~~ (3-20-04)

~~**01. Initial Qualifications.** Prior to application: the candidate must hold an AA or AS degree or equivalent, meet state para-educator standards, and be employed as a para-educator. Districts shall identify potential candidate with appropriate dispositions for teaching, and continue to employ candidate as para-educators. District/school provides orientation for candidate as deemed appropriate.~~ (4-2-08)

~~**02. Alternative Route Preparation Program College University Preparation.**~~ (3-20-04)

~~**a.** Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A candidate must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification.~~ (3-20-04)

~~**b.** The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences.~~ (3-20-04)

~~**c.** Candidate shall complete all requirements for certification as provided herein.~~ (3-20-04)

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

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 6, 2012 Idaho Administrative Bulletin, [Vol. 12-6, pages 17 and 18](#).

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

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

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582
fax: (208)334-2632

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is [April 19, 2012](#).

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, 33-116, and 33-1612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2012.

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

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

Amendments to IDAPA 08.02.03 are intended to show that the state of Idaho recognizes home school students as having received a secondary education.

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:

Recent changes to the federal requirements for student eligibility for federal financial aid require that students who do not have a high school diploma obtain a GED, unless they have been educated in a home school recognized by the state. The existing language in Idaho Code implies, but does not clearly state, that home schooled students are recognized as having received a secondary education. Without this recognition, students would be required to obtain a GED prior to applying for federal financial aid at our public institutions for the Fall 2012 semester.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes were of a non controversial nature.

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer at (208)332-1582 or tracie.bent@osbe.idaho.gov.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2012.

DATED this 25th day of April, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1201

118. HOME SCHOOL.

Any student not attending a public or private school within the state of Idaho may, as an alternative, receive educational instruction in a home school setting at the direction of the student's parent or guardian. A home schooled student is required to receive such instruction in subjects commonly and usually taught in the public schools of the state of Idaho. ()

1189. -- 127. (RESERVED)

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

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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 August 1, 2012, Idaho Administrative Bulletin, [Vol. 12-8, pages 24 and 25](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Shannon Page, ICASDV Policy Consultant, 300 E. Mallard Dr. Ste. 1300 Boise, Idaho, 83706, 208-861-1567.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

THE FOLLOWING NOTICE WAS 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 33-105, Idaho Code, Section 33-107, Idaho Code, and Section 33-1612 and 33-118, 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 August 15, 2012.

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:

At the October 19-20, 2011 State Board of Education meeting, the Idaho Coalition Against Sexual and Domestic Violence and the State Department of Education presented local and national data about the critical issue of adolescent relationship abuse and its effects on Idaho students. At that time, the State Department of Education indicated that it would come before the Board at a later meeting with a proposed rule change to address the prevention of and response to adolescent relationship abuse and sexual assault in Idaho schools.

Adolescent relationship abuse and sexual assault is a serious problem receiving national and local attention. According to the Centers for Disease Control and Prevention, “one in five women and nearly one in seven men who experienced rape, physical violence, and/or stalking by an intimate partner, first experienced some form of violence between 11 and 17 years of age” (CDC, 2011). Approximately one in three adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner (Davis, 2008). In 2011, 8.7% of Idaho high school students were hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend (CDC, 2011). Almost half of all female victims who have been raped experienced their first rape before age 18 (30% between 11 and 17) (CDC, 2011).

Promoting healthy adolescent relationships can reduce adolescent risk behaviors, relationship abuse and sexual assault, early sexual activity, alcohol and drug abuse, and other forms of violence (Wolfe et al., 2006). Adolescent relationship abuse and sexual assault, along with other risk behaviors, rarely occurs in a vacuum. Rather, these behaviors almost always take place within a relationship. It is critical for communities and schools to promote healthy relationships and teach adolescents the skills they need to negotiate relationship issues, including responding to pressure to participate in risk behaviors (Wolfe et al., 2006).

Over 40 percent of young people who report they are victims of relationship abuse say that the

incidents occurred in a school building or on school grounds (Molidor & Tolman, 1998). In addition to becoming involved in other risk behaviors, victims of relationship abuse or sexual assault are more likely to be truant, have lower grades, and drop out of school (Futures Without Violence, 2011). Students who don't feel safe can't learn effectively. It is imperative that school personnel, in concert with parents and the community, have the knowledge and skills to teach healthy adolescent relationship skills and to respond to incidents of abuse.

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:

This is a proposed addition to an already existing rule that ensures schools have a comprehensive set of policies to deal with all student safety issues.

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: Shannon Page, ICASDV Policy Consultant, 300 E. Mallard Dr. Ste 1300, Boise, Idaho, 83706, Slpage208@msn.com, 208-861-1567; or Portia Flynn at pflynn@sde.idaho.gov, 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 August 22, 2012.

DATED this 21st day of June, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1202

160. SAFE ENVIRONMENT AND DISCIPLINE.

Each school district will have a comprehensive district wide policy and procedure encompassing the following:

School Climate
Discipline

Student Health
Violence Prevention
Gun-free Schools
Substance Abuse - Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills
<u>Relationship Abuse and Sexual Assault Prevention and Response</u>

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612)

~~(4-1-97)~~()

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

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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:

On November 6, 2012, Idaho Code, Chapter 33, Section 1627 which directed the State Board of Education to promulgate rules for an online learning requirement for the class of 2016 and beyond was overturned through Propositions 1, 2 and 3. The rejection of Proposition 3 does not automatically remove the online graduation requirement because the Board has the ability to create state graduation requirements. However, the State Board of Education did remove the requirement for students to take an online course and the associated definitions.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 1, 2012, Idaho Administrative Bulletin, [Vol. 12-8, pages 26 through 35](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

<p>THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE</p>

EFFECTIVE DATE: The effective date of the temporary rule is **June 21, 2012**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105, Idaho Code, Section 33-107, Idaho Code, and Section 33-1612, Idaho Code and 33-118.

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 August 15, 2012.

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

DESCRIPTIVE SUMMARY: The following is 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:

This rule addresses two areas of high school graduation requirements that must be addressed in the same section of administrative code.

The first is a requirement for students to take two online courses. At the February 2012 Board meeting the Board approved a temporary rule amending the online learning graduation requirement. The amendments allowed for either an asynchronous or synchronous course to be used to meet the two (2) credit requirement. Due to timing issues related to promulgation of rules during the legislative session only a temporary rule could be promulgated at that time. For the rule change to become permanent the Board approved a new temporary and proposed rule at its June 2012 meeting.

The second is a requirement concerning math graduation requirements. In 2007, the State Board of Education approved a number of revisions to Section 105 that were collectively known as High School Redesign. These revisions, in part, require students to take three years of

mathematics. Two of the six credits must be taken in the student's final year of high school.

Recently, during the February 16, 2012 State Board meeting held at Boise State University, the Boise School District brought three appeals forward, requesting that three students be allowed to waive the requirements outlined in Subsection 105.01.d.iv. which require that two credits of the required six credits of mathematics be taken in a student's last year of high school. At that time, the State Board requested that the State Department of Education put together a temporary and proposed rule. This amendment is in response to that request. The revised rule allows students to be exempt from the requirement to take a math course in their last year of high school as outlined in Subsection 105.01.d.iv if they have met the following criteria:

Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school.

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

The first is a requirement for students to take two online courses and is required for students who are graduating in the 2016 school year. The graduation requirement is currently in place and the temporary rule ensures students are taking the correct classes to graduate.

The class of 2013 is the first class to be required to take additional math and science courses. This rule affects students who are entering their senior year and would be subject to this requirement prior to the Idaho Legislature convening.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the online rule was agreed to in the previous legislative session by the Idaho School Boards Association and the Idaho Association of School Administrators. The math rule was not formally negotiated due to time constraints as this rule applies to students entering their senior year in the fall of 2012.

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 this temporary and proposed rule, contact: Luci Willits at the address listed below or by e-mail at lbwillits@sde.idaho.gov or phone 208-332-6814.

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 August 22, 2012.

DATED this 21st Day of June, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1203

007. DEFINITIONS A - G.

01. Achievement Standards. Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and “beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” on the Idaho English Language Assessment (IELA) by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (4-2-08)

02. Advanced Opportunities. Are defined as Advanced Placement courses, Dual Credit courses, Tech Prep, or International Baccalaureate programs. (4-11-06)

03. Advanced Placement® (AP) - College Board. The Advanced Placement Program is administered by the College Board at <http://www.collegeboard.com>. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (4-11-06)

04. All Students. All students means all public school students, grades K-12. (4-11-06)

05. Alternative Assessment (Other Ways of Testing). Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (4-5-00)

06. Assessment. The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

07. Assessment Standards. Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing.” (4-5-00)

08. Asynchronous Course. An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school's computer lab. (3-29-12)()

09. Authentic. Something that is meaningful because it reflects or engages the real world. An "authentic task" asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (4-5-00)

10. Basic Educational Skills Training. Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (4-5-00)

~~**11. Blended Course.** A blended course, sometimes called hybrid course, consists of a course having between fifty one percent (51%) and seventy nine percent (79%) of the course content delivered through the use of technology, and may include the following models: (3-29-12)~~

~~**a. Flex Model.** Features an online platform that delivers most of the curricula. Teachers provide on-site support on a flexible and adaptive, as-needed basis through in-person tutoring sessions and small group sessions. (3-29-12)~~

~~**b. Online Lab Model.** Programs rely on an online platform to deliver the entire course but in a brick-and-mortar lab environment. Paraprofessionals or other staff supervise but offer little content expertise. (3-29-12)~~

~~**c. Rotation Model.** Students rotate on a fixed schedule between learning online in a self-paced environment and sitting in a classroom with a traditional face-to-face teacher. (3-29-12)~~

121. Classic Texts. Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (4-5-00)

132. Content Standards. Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. (4-2-08)

143. Context (of a Performance Assessment). The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00)

154. Cooperative Work Experience. Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are

also known as co-operative education or co-op. (4-5-00)

165. Criteria. Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (4-5-00)

176. Cues. Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers have about the ways in which language is understood by others in their culture. (4-5-00)

187. "C" Average. A combined average of courses taken on a four (4) point scale with "C" equal to two (2) points. (4-11-06)

198. Decode. (4-5-00)

a. To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (4-5-00)

b. To change communication signals into messages, as to decode body language. (4-5-00)

2019. Dual Credit. Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student's permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06)

210. Emergent Literacy. Development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing. (4-5-00)

221. Employability Skills. Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00)

232. Entry-Level Skills. The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

243. Evaluation (Student). Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

254. Experiential Education (Application). Experiential education is a process

through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

265. Exploratory Experience (Similar to a Job Shadow). An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

276. Fluency. The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (4-5-00)

287. Genre (Types of Literature). A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

298. Graphophonic/Graphophonemic. One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

008. DEFINITIONS H - S.

01. Interdisciplinary or Integrated Assessment. Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

02. International Baccalaureate (IB) - Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

03. Laboratory. A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

04. Learning Plan. The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. (4-11-06)

05. Narrative. Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

06. Norm-Referenced Assessment. Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

07. On-Demand Assessment. Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand

assessment. (4-5-00)

~~**08. Online Course.** A course in which at least eighty percent (80%) of the course content is delivered over the Internet or through the use of technology. An online course may be asynchronous or synchronous. Online teachers may perform the course work from an alternate location while a paraprofessional or other school staff member supervises students in a computer lab environment. (3-29-12)~~

~~**09. Online Learning.** Education in which the majority of course content is delivered online or through the use of technology. Courses may be delivered in an asynchronous or synchronous course format and may include blended or hybrid course models or fully online course models. (3-29-12)~~

~~**a.** Online learning does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone education software programs that do not have a significant internet-based instructional component. (3-29-12)~~

~~**b.** Online learning is not simply computer based instruction, but rather requires that the online teacher and the student have ongoing access to one another for purposes of teaching, evaluating, and providing assistance to the student throughout the duration of the course. (3-29-12)~~

~~**c.** All online learning must meet the Idaho content standards. (3-29-12)~~

~~**10. Online Teacher (Instructor).** The teacher of record who holds an appropriate Idaho certification and provides the primary instruction for an online course. (3-29-12)~~

108. Performance Assessment. Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

1209. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

130. Performance Criteria. A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

141. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

152. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and

interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

163. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

174. Professional-Technical Education. Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

185. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

196. School-to-Work Transition. A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

2017. Service Learning. Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

218. Skill Certificate. Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

2219. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

230. Standardization. A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

241. Standards-Based Education. Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

252. Structured Work Experience. A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-

based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

263. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

274. Synchronous Course. A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (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.i. 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.c. through 105.01.i. (3-29-12)

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. A student 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)

v. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. ()

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)

~~**i.** *Online Learning Requirement. (Effective for all students who enter the ninth grade in the fall of 2012 or later.) Two (2) credits are required: one credit shall be from an asynchronous online course and the second credit may be an online course or blended course credit, either asynchronous or synchronous.* (3-29-12)~~

~~**i.** *A student who has taken a one (1) credit asynchronous online course and failed to earn the credit may appeal to the school district or LEA and will be given an opportunity to demonstrate proficiency of the technology content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not earned the credits to meet the online learning requirement prior to the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the Board for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans.* (3-29-12)~~

~~(1) *Before entering an alternate measure, the student must be:* (3-29-12)~~

~~(a) *Enrolled in a special education program and have an Individual Education Plan (IEP); or* (3-29-12)~~

~~(b) *Has been identified as eligible to receive services under Section 504 of the Federal Rehabilitation Act of 1973; or* (3-29-12)~~

~~(c) *Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less.* (3-29-12)~~

~~(2) *The alternate plan must:* (3-29-12)~~

~~(a) *Contain multiple measures of student achievement;* (3-29-12)~~

~~(b) *Be aligned at a minimum to Idaho technology content standards; and* (3-29-12)~~

~~(c) *Be valid and reliable.* (3-29-12)~~

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.) (3-29-12)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACCUPLACER, ACT or SAT. Scores must be included in the Learning Plan. (3-29-12)

b. A student may elect an exemption in their 11th grade year from the college entrance exam requirement if the student is: (3-29-12)

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; or (3-29-12)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less. (3-29-12)

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.c. through 105.01.h. in addition to the courses completed in middle school. (3-29-12)

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. 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 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 alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (4-7-11)

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 alternate plan must: (4-7-11)
 - i. Contain multiple measures of student achievement; (4-7-11)
 - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
 - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
 - iv. Be valid and reliable; and (4-7-11)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
 - 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.** A foreign exchange student 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 OF AND STATE
DEPARTMENT OF EDUCATION**

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1205

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 155 through 157](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

THE FOLLOWING NOTICE WAS 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 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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:

Title III Part A of the Elementary and Secondary Education Act requires states to have English language development/proficiency standards in place for Limited English Proficient (LEP) students. In 2006, Idaho adopted English Language Development Standards (ELD) in Language Arts followed by the Math and Science ELD standards in 2008. Extensive ongoing training and technical assistance has been provided for districts to help ensure effective rollout and implementation of these standards.

With the shift to the Common Core State Standards (CCSS) in Language Arts and Mathematics, Idaho must either augment its current ELD standards in order to align to the CCSS, or adopt new standards that are already in alignment.

The State Department of Education has chosen to adopt the 2012 World-Class Instructional Design and Assessment (WIDA) Standards as they have already been aligned to the CCSS. The notion that student outcomes will be improved through coherent systems of expectations is central to the WIDA Standards. WIDA's alignment study, conducted by the University of Oklahoma's Department of Educational Training, Evaluation, Assessment and Measurement, analyzed and confirmed the relationship between English language development standards and academic content through the Common Core State Standards.

Alignment to the Common Core (CC) includes, but is not limited to:

1. Standards for individual grades;
2. Topical vocabulary that reflects grade-level language related to the example topic;
3. Cognitive Function and Example Context for Language Use are added; and
4. Connections to a specific CC standard are made for each ELD standard.

The WIDA Standards are for grades Pre-K through 12th and are aligned to the following academic subject areas: Language Arts, Mathematics, Science, and Social Studies. In addition to these subject areas, WIDA has strands in various other subject areas such as Social and Instructional Language, Technology and Engineering, Health and Physical Education, and Music and Performing Arts.

Each standard has key elements of mastery for each language level, is explicitly connected to the CCSS, and has Topical Academic Vocabulary, Cognitive Function, and Example Context for Language Use specific to each subject area.

Idaho has also joined the Assessment Services Supporting ELs through Technology Systems (ASSETS) consortium for the “next generation” of language proficiency tests. Twenty nine states will work together to build a new language proficiency assessment based on the 2012 WIDA standards.

Idaho’s English Language Proficiency Standards Implementation Timeline:

1. August 2012: Present the WIDA ELD Standards to the State Board of Education.
2. January 2013: Board Rules to adopt WIDA ELD Standards to Idaho Legislature.
3. School year 2013-2014: Implementation of the WIDA ELD standards. Continued Professional Development will be provided.

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

There is no imposed or increased fee associated with these changes.

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:

These changes result in no fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the academic standards were developed by national experts. Idaho educators will be given the opportunity to comment on the standards.

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:

The WIDA standards will guide educators in teaching English learners academic content, as aligned with the Common Core State Standards. The WIDA standards are a large document, so are more amenable to being incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

COMMENTS: For assistance on technical questions concerning the proposed rule, contact Luci Willits by email at lbwillits@sde.idaho.gov, or by phone at 208-332-6814, or at the address listed below.

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 24, 2012.

DATED this 16th day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1205

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 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, as revised and adopted on August 11, 2010. (4-7-11)
- e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)

- f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h. Science, as revised and adopted on April 17, 2009. (3-29-10)
- i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

02. The ~~Idaho~~ English Language Development (ELD) Standards. The ~~Idaho World-Class Instructional Design and Assessment (WIDA) 2012~~ English Language Development (ELD) Standards as adopted by the State Board of Education on August 106, 2006 2012. Copies of the document can be found on the ~~State Board of Education website at www.boardofed.idaho.gov~~ WIDA website at www.wida.us/standards/eld.aspx. (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 November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

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 November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)

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 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 www.boardofed.idaho.gov. (5-8-09)

07. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-12)

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 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 www.boardofed.idaho.gov. (4-2-08)

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

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1206

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-1511(2), 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 definition in the proposed rule was crafted in order to define a holistic approach to professional development that is well planned and administered to develop and promote effective instructional practices. The definition ensures the incorporation of high academic standards, data driven analysis and review, individualized course offerings or opportunities, and developing professional learning communities.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10 Page 159 through 162](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits by email at lbwillits@sde.idaho.gov, or by phone at 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

THE FOLLOWING NOTICE WAS 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 33-1511(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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:

Section 33-1627, Idaho Code, establishes a mobile computing device program for high school teachers, beginning in the 2012-13 school year, and students, beginning in the 2013-14 school year. It also allows school districts that already have a mobile computing program to receive an allocation of funds equal to the cost of purchasing mobile computing devices, in lieu of receiving such devices. Therefore, the state needs a framework to determine whether or not a school district meets the goal of the one-to-one mobile computing device program before discretionary funds in lieu of devices are allocated.

The definition in the proposed rule was crafted to take into account the need for every student and teacher to have access to the device all day, rather than a lab with limited devices, and the need for the devices to have connectivity, full functionality and mobility.

The definition in the proposed rule was crafted at the recommendation of the Technology Task Force in order to define a holistic approach to professional development that is well planned and administered to develop and promote effective instructional practices. The definition ensures the incorporation of high academic standards, data driven analysis and review, individualized course offerings or opportunities, and developing professional learning communities.

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

increased:

There is no imposed or increased fee associated with these changes.

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:

These changes result in no fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because:

These definitions are in response to the recommendations of the 39 member Technology Taskforce. The Public will have the opportunity to respond and give comment during State Board meetings and during the public comment period.

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 Luci Willits by email at lbwillits@sde.idaho.gov, or by phone at 208-332-6814, or at the address listed below.

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 24, 2012.

DATED this 16th day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1206

008. DEFINITIONS H - S.

01. Interdisciplinary or Integrated Assessment. Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

02. International Baccalaureate (IB) - Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams

that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

03. Laboratory. A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

04. Learning Plan. The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. (4-11-06)

05. Narrative. Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

06. Norm-Referenced Assessment. Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

07. On-Demand Assessment. Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

08. Online Course. A course in which at least eighty percent (80%) of the course content is delivered over the Internet or through the use of technology. An online course may be asynchronous or synchronous. Online teachers may perform the course work from an alternate location while a paraprofessional or other school staff member supervises students in a computer lab environment. (3-29-12)

09. Online Learning. Education in which the majority of course content is delivered online or through the use of technology. Courses may be delivered in an asynchronous or synchronous course format and may include blended or hybrid course models or fully online course models. (3-29-12)

a. Online learning does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone education software programs that do not have a significant internet-based instructional component. (3-29-12)

b. Online learning is not simply computer based instruction, but rather requires that the online teacher and the student have ongoing access to one another for purposes of teaching, evaluating, and providing assistance to the student throughout the duration of the course. All online learning must meet Idaho content standards. (6-21-12)T

10. Online Teacher (Instructor). The teacher of record who holds an appropriate Idaho certification and provides the primary instruction for an online course. (3-29-12)

11. Performance Assessment. Direct observation of student performance or student

work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

12. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

13. Performance Criteria. A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

14. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

15. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

16. Professional Development. A comprehensive, sustained, timely, and intensive process to improve effectiveness of teachers and administrators in raising student achievement, which: ()

a. Aligns with rigorous state academic achievement standards, local educational agency goals, school improvement goals, effective technology integration, and Common Core standards. ()

b. Utilizes data driven instruction using a thorough review and continual evaluation of data on teacher and student performance to define clear goals and distinct outcomes. ()

c. Provides opportunities that are individualized enough to meet distinct and diverse levels of need for teachers and administrators. ()

d. Is facilitated by well-prepared school administrators, coaches, mentors, master teachers, lead teachers, or third-party providers under contract with the State Department of Education, school district, or charter school, and supported by external research, expertise, or resources. ()

e. Fosters a collective responsibility by educators within the school for improved student performance and develops a professional learning community. ()

167. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

178. **Professional-Technical Education.** Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

189. **Proficiency.** Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

1920. **School-to-Work Transition.** A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

201. **Service Learning.** Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

212. **Skill Certificate.** Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

223. **Standards.** Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

234. **Standardization.** A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

245. **Standards-Based Education.** Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

256. **Structured Work Experience.** A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite

employer to offer regular employment to the student subsequent to the experience. (4-5-00)

267. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

278. Synchronous Course. A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. (3-29-12)

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

08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS

DOCKET NO. 08-0204-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-105, 33-5203 and 33-5210, 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 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 163 through 177**.

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

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

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582
fax: (208)334-2632

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **August 16, 2012**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-5203 and 33-5210, 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 17, 2012.

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

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

The State Board of Education will be considering changes to IDAPA 08.02.04, "Rules Governing Public Charter Schools," that are intended to improve administrative efficiency and that update the rule to correspond with statutory amendments.

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

To come into compliance with amendments made to Chapter 52, Title 33, Idaho Code made during the 2012 legislative session.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2012 Idaho Administrative Bulletin, **Volume 12-7, page 40**.

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 rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.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 24, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0204-1201

010. DEFINITIONS.

01. Authorized Chartering Entity. Is defined in Section 33-5202A(1), Idaho Code, and means either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission. (4-11-06)

02. Board. Means the Idaho State Board of Education. (4-11-06)

03. Charter. Is defined in Section 33-5202A(2), Idaho Code, and means the grant of authority approved by the authorized chartering entity to the board of directors of the charter school. (4-11-06)

04. Commission. Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. (4-11-06)

05. Department. Means the Idaho Department of Education. (4-11-06)

06. Founder. Is defined in Section 33-5202A(3), Idaho Code, and means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits. (4-11-06)

07. Petition. Is defined in Section 33-5202A(4), Idaho Code, and means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school. (4-11-06)

08. Petitioners. Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules. (4-11-06)

09. Public Charter School. Is defined in Section 33-5202A(5), Idaho Code, and means a school that is authorized under the Public Charter Schools Act, Title 33, Chapter 52, Idaho Code, to deliver public education in Idaho. (4-11-06)

10. Public Virtual School. Is defined in Section 33-5202A(68), Idaho Code, and means a ~~public charter school that may serve students in more than one (1) school district and through which the primary method for the delivery of instruction to all of its pupils is through virtual distance learning or online technologies~~ school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management. (4-11-06)()

11. School Year. Means the period beginning on July 1 and ending the next succeeding June 30 of each year. (4-11-06)

011. -- 099. (RESERVED)

100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.

~~**01. Number of New Public Charter Schools Approved for a School Year.** Section 33-5203(2), Idaho Code, limits the number of new public charter schools that may be approved to begin instruction for a school year to not more than six (6), and further limits the number of new public charter schools that may be approved for a single school district for a school year to not more than one (1). The Board shall use the procedure described in Section 100 of these rules for implementing this limitation on the approval of new public charter schools. (4-11-06)~~

021. Responsibilities of Petitioners on Approval of Charter. Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall ~~be responsible for providing~~ the Board with written notice of such approval, ~~and shall promptly submit a copy of the final approved petition to the Board, as required by Section 33-5206(6), Idaho Code. In addition, in the event the charter is revised at any time, as permitted by Section 33-5209(1), Idaho Code, and pursuant to the procedures described in Section 302 of these rules, the governing board of the public charter school shall also be responsible for submitting copies of any such charter revisions to the Board.~~ The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request. (4-11-06)()

~~**03. Chronological Numbering System.** The Board, in accordance with Section 33-~~

~~5206(6), Idaho Code, shall record the date and the time that it receives each final approved petition for a new public charter school. In addition, the Board shall assign a number to each final approved petition that it receives on a chronological basis, beginning with the numeral "1," and continuing sequentially thereafter. The Board shall maintain a chronological list of approved charters for the purpose of determining which public charter schools shall be authorized to begin educational instruction during a given school year. (4-11-06)~~

042. Authorization to Begin Educational Instruction. The ~~six (6)~~ public charter schools ~~that will be~~ authorized to begin educational instruction during a given school year shall be those public charter schools that have ~~been assigned the lowest chronological number by the Board, and which are eligible to begin educational instruction at some time during such school year. A public charter school will be considered "eligible" in accordance with the preceding sentence if the public charter school has~~ received approval from ~~its~~ **their** authorized chartering entity~~ies~~ to begin educational instruction at some time during such school year. ~~In addition, a public charter school will be considered "eligible" only if no other public charter school located within the same school district has been assigned a lower chronological number, and has been approved to begin educational instruction during such school year. A public charter school that is not authorized to begin educational instruction because it is not "eligible," as described herein, shall maintain its position on the Board's chronological list of approved charters, and shall be under consideration for authorization to begin educational instruction during the next succeeding school year.~~ A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction ~~because it is not "eligible," as described herein,~~ must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year. (4-11-06)()

053. Notification. The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin educational instruction during a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter. (4-11-06)

101. -- 199. (RESERVED)

200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.

01. Assistance With Petitions. The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule. (4-11-06)

02. Public Charter School Workshops. The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. (4-11-06)

03. Petition **Sufficiency Reviews.** Prior to submitting a petition to an authorized chartering entity, petitioners shall submit ~~six one (61)~~ **copies** of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with

statutory requirements.

(4-11-06)()

201. POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY.

01. Charter School Policies and Procedures. An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school, including a public virtual school. Petitioners must comply with the charter school policies and procedures adopted by the authorized chartering entity with which a petition is submitted. Such charter school policies and procedures must comply with Title 33, Chapter 52, Idaho Code, and the rules promulgated by the Board. If there is any conflict between the charter school policies and procedures adopted by an authorized chartering entity and rules promulgated by the Board, then the Board rules shall govern. (4-11-06)

02. Application Deadline. Petitioners must submit a new petition to an authorized chartering entity by September 1 in order to be eligible to begin educational instruction for the following school year as required by Section 33-5203, Idaho Code. A petition filed after such date ~~may not be rejected by an authorized chartering entity as untimely, but if the petition is approved and the charter is granted, the proposed public charter school will not be~~ **that is approved and the charter granted shall not be** eligible to begin operations until the next succeeding school year at the earliest, ~~and only if authorized to begin operations during such school year in accordance with the approval procedure described in Subsection 100.04 of these rules.~~ (4-11-06)()

(BREAK IN CONTINUITY OF SECTIONS)

203. ADMISSION PROCEDURES.

01. Model Admission Procedures. In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (4-11-06)

02. Enrollment Opportunities. Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that such process includes the dissemination of enrollment information, taking into consideration the language demographics of the attendance area, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly

visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs. (4-11-06)

03. Enrollment Deadline. Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all written requests for admission to attend the public charter school for the next school year must be received. The enrollment deadline cannot be changed once the enrollment information is disseminated as required by Subsection 203.02. (4-11-06)

04. Requests for Admission. A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter school, a single written request for admission must be submitted on behalf of all siblings. The written request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The written request for admission shall contain the name, grade level, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process. Only written requests for admission shall be considered by the public charter school. Written requests for admission received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. If there is an opening in one grade, a sibling, if any, from a late submitted application must go to the bottom of the sibling list. (4-11-06)

05. Admission Preferences. A public charter school shall establish an admission preference for students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish admission preferences, as authorized by Section 33-5205(3)(i), Idaho Code, for students returning to the public charter school, for children of founders, and for siblings of students already selected to attend the public charter school. Such admission preferences must be approved by the authorized chartering entity and described in the final approved petition. (4-11-06)

06. Priority of Preferences for Initial Enrollment. If a public charter school determines to establish admission preferences for initial enrollment of students in a public charter school, then the selection hierarchy with respect to such preferences shall be as follows:(4-11-06)

a. First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school. If so stated in its petition, a new public charter school may include within this priority group the children of full-time employees, subject to the provisions of Section 33-5205(3)(k), Idaho Code. (4-11-06)()

b. Second, to siblings of pupils already selected by the lottery or other random method. (4-11-06)

c. Third, to prospective students residing in the attendance area of the public charter school. (4-11-06)

d. Fourth, an equitable selection process, such as by lottery or other random method. (4-11-06)

07. Priority of Preferences for Subsequent Enrollment Periods. If a public charter school determines to establish admission preferences for enrollment of students in a public charter school in subsequent school years, then the selection hierarchy with respect to such preferences shall be as follows: (4-11-06)

a. First, to pupils returning to the public charter school in the second or any subsequent year of operation. Returning students are automatically enrolled in the appropriate grade and do not need to be selected by a random selection method. (4-11-06)

b. Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school. If so stated in its petition, a public charter school may include within this priority group the children of full-time employees and/or children withdrawn from the public charter school within the previous three (3) years as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment, subject to the provisions of Section 33-5205(3)(k)(i-ii), Idaho Code. (4-11-06)()

c. Third, to siblings of pupils already enrolled in the public charter school. (4-11-06)

d. Fourth, to prospective students residing in the attendance area of the public charter school. (4-11-06)

e. Fifth, an equitable selection process, such as by lottery or other random method. (4-11-06)

08. Proposed Attendance List for Lottery. Each year the public charter school shall create an attendance list containing the names of all prospective students on whose behalf a written request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to each prospective student. The columns shall be designated "A" for returning student preference; "B" for founders preference; "C" for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and "D" for attendance area preference. (4-11-06)

09. Equitable Selection Process. If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows: (4-11-06)

a. The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, with the order for each grade level selected randomly. The index cards containing the names of the prospective students for the grade level being selected shall be placed into a single container. (4-11-06)

b. A neutral, third party shall draw the grade level to be completed first and then draw each index card from the container for that grade level, and such person shall write the selection number on each index card as drawn, beginning with the numeral "1" and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person. (4-11-06)

c. If the name of the person selected is a returning student, then the letter "A" shall be written on such index card. If the name of the person selected is the child of a founder, the letter "B" shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter "C" shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter "D" shall be written on such index card. (4-11-06)

d. With regard to the sibling preference, if the name of the person selected has a sibling *in a higher grade* who has already been selected, but the person previously selected did not have the letter "C" written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter "C" shall now be written on that person's index card at this time. ~~(4-11-06)~~()

e. With regard to the founder's preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter "B." When the number of index cards marked with the letter "B" equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter "B," even if such person selected would otherwise be eligible for the founders preference. (4-11-06)

f. After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter "A" shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "B," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "C," based on the chronological order of the selection number written on each

index card; followed by all index cards with the letter “D,” based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card.

(4-11-06)

g. After the index cards have been drawn and sorted for all grade levels, the names shall be transferred by grade level, and in such order as preferences apply, to the final selection list.

(4-11-06)

10. Final Selection List. The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled.

(4-11-06)

11. Notification and Acceptance Process.

(4-11-06)

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

(4-11-06)

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

(4-11-06)

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

(4-11-06)

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

(4-11-06)

12. Subsequent School Years. The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year.

(4-11-06)

13. Admission Procedures for Approved Charter Schools. All public charter

schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

205. REVIEW OF PETITIONS.

01. Initial Review of Petition. Prior to submitting a petition with an authorized chartering entity, petitioners shall submit ~~six~~ one (~~61~~) ~~copies~~ of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code.

(~~4-11-06~~)()

02. Timeframe for Initial Review. The Department shall complete the initial review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (4-11-06)

03. Notification of Findings After Initial Review. The Department shall notify the petitioners promptly in writing describing the results of the initial review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (4-11-06)

04. Written Response to Initial Review. Petitioners shall include a copy of the Department's ~~initial~~ final review of the proposed draft petition, and a written response to the findings of such review, with the petition upon submission to an authorized chartering entity. Deficiencies in the petition identified by the Department's initial review shall be addressed in the written response.

(~~4-2-08~~)()

05. Substantive Review of Petition. The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

06. Timeframe for Substantive Review. An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code. (4-11-06)

a. Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(c)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a public hearing not later than ~~sixty~~ seventy-five (~~60~~~~75~~) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the public hearing must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district.

(~~4-11-06~~)()

b. An authorized chartering entity must make a decision on whether to approve the petition within ~~sixty~~ seventy-five (6075) days after the date of the public hearing on the merits of the petition. (4-11-06)()

c. The authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional ~~sixty~~ seventy-five (6075) days if it determines the petition is incomplete. (4-11-06)()

d. The Commission and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition ~~up to~~ for an additional, ~~ninety (90) days~~ specified period of time. (4-11-06)()

07. If Approved, Charter Is Subject to Limitations on Number of New Charters. (4-11-06)

~~a.~~ If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval, ~~and with a copy of the final approved petition, in accordance with the procedure described in Section 100 of these rules.~~ (4-11-06)()

~~b.~~ *The approval of a charter by an authorized chartering entity does not provide the petitioners with any right to begin educational instruction at the public charter school during a particular school year, or in accordance with the terms and conditions of the charter, as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved to begin educational instruction for a school year, as described in Section 100 of these rules.* (4-11-06)

08. If Denied, Petitioners May Appeal. (4-11-06)

a. If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. (4-11-06)

b. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (4-11-06)

206. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.

01. Referral of Petition by Local Board of Trustees. A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(c)(iii), Idaho Code. If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt written notice of such decision

to the petitioners. In addition, the board of trustees of a local school district must promptly ~~forward the petition and verification that there are thirty (30) signatures from qualified electors from the attendance area to~~ notify the Commission of the referral decision, including all the reasons for referral. (4-11-06)()

02. Withdrawal by Charter Petitioners. Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within ~~sixty~~ seventy-five (6075) days after the ~~submission of the~~ petition ~~with~~ is received by the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the petition, after a reasonable and good faith effort. (4-11-06)()

03. Reasonable and Good Faith Effort. For purposes of Subsection 206.02 of these rules, the ~~parties~~ authorized chartering entity shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the ~~parties~~ authorized chartering entity take at least all of the following actions: (4-11-06)()

a. The authorized chartering entity must send written notice to petitioners acknowledging receipt of the charter petition and the date of receipt. (4-11-06)

b. The authorized chartering entity posts public notice of a public hearing for the purpose of considering the petition, and such meeting is scheduled to occur not later than ~~sixty~~ seventy-five (6075) days after receipt of the petition and verification that there are thirty (30) signatures from qualified electors of the attendance area. (4-11-06)()

c. Prior to the date the posted public hearing is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. ~~In the event correspondence is sent to petitioners identifying concerns with the petition, then petitioners must respond in writing to the authorized chartering entity addressing the identified concerns.~~ (4-11-06)()

d. Either prior to or at the posted public hearing, representatives ~~form from~~ both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition. (4-11-06)()

04. Failure of Authorized Chartering Entity to Make a Good Faith Effort. If the authorized chartering entity fails to make the good faith effort described in Subsection 206.03 of these rules, the petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration, provided the petitioner takes at least all of the following actions: ()

a. The petitioners must provide the authorized chartering entity with a petition that is administratively complete and that has been reviewed by the Department in accordance with Section 205 of these rules. ()

b. The petitioners must contact the authorized chartering entity, in writing, to ensure awareness of the timelines for petition review and the petitioners' request for a review of the petition and public hearing to consider the merits of the petition. ()

c. In the event correspondence is sent to the petitioners identifying concerns with the petition, then the petitioners must respond in writing to the authorized chartering entity addressing the identified concerns. ()

d. The petitioners must meet with the authorized chartering entity and engage in face-to-face discussions regarding the petition, if the authorized chartering entity provides an opportunity to do so. ()

(BREAK IN CONTINUITY OF SECTIONS)

301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.

01. Compliance Monitoring. Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ensuring that the public charter school operates in accordance with all of the terms and conditions of the charter approved by the authorized chartering entity, as reflected in the final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school program approved by the authorized chartering entity meets the terms of the charter, complies with the general education laws of the state, unless specifically directed otherwise in Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-1612, Idaho Code, as provided in Section 33-5210(2), Idaho Code. (4-11-06)

02. Written Notice of Defect. If an authorized chartering entity has reason to believe that a public charter school has committed any defect identified in Subsections 33-5209(2)(a) through (e), Idaho Code, then the authorized chartering entity shall provide the public charter school with prompt written notice of such defect, and shall provide the public charter school a reasonable opportunity to cure such defect. (4-11-06)

03. Corrective Action Plan. The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. ~~The public charter school shall send a copy of the corrective action plan to the Board.~~ (4-11-06)()

04. Failure to Cure. If a public charter school fails to comply with the terms and conditions of the corrective action plan and to cure the defect at issue within a reasonable time, then the authorized chartering entity may provide notice to the public charter school of its intent to revoke the charter, as permitted by Section 33-5209(3), Idaho Code, and in accordance with Section 303 of these rules. (4-11-06)

302. CHARTER REVISIONS.

The governing board of a public charter school may reasonably request that its authorized chartering entity revise its charter, as authorized by Section 33-5209(1), Idaho Code. (4-11-06)

01. Request for Revision. The governing board of a public charter school that desires to revise its charter must submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit ~~six~~ one (61) ~~copies~~ of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and the authorized chartering entity promptly in writing describing the results of such review. ~~(4-11-06)~~()

02. Limited Review. The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter, and shall not have authority to make other charter revisions that are not requested by the public charter school. (4-11-06)

03. Procedure for Reviewing Request for Charter Revision. The authorized chartering entity shall have ~~thirty~~ seventy-five (3075) days from the date of receipt of the written notice from the Department in which to issue its decision on the request for charter revision. The authorized chartering entity shall consider the request for charter revision at its next regular meeting following the date of receipt of the written notice from the Department, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision. ~~(4-11-06)~~()

04. Approval of Proposed Charter Revision. If the authorized chartering entity approves the proposed charter revision, a copy of such revision shall be executed by each of the parties to the charter contract and shall be treated as either a supplement to, or amendment of, the final approved petition, whatever the case may be. ~~The governing board of the public charter school shall be responsible for sending a copy of the charter revision to the Board, as required by Subsection 100.02 of these rules.~~ ~~(4-11-06)~~()

05. Denial of Proposed Charter Revision. If the proposed revision is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for charter revision. The decision to deny a request for a charter revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter revision to the Board. The provisions of Section 403 of these rules shall govern the appeal. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

402. APPEAL TO THE BOARD RELATING TO THE DENIAL OF A REQUEST TO FORM A NEW PUBLIC CHARTER SCHOOL.

The following procedures shall govern an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school. (4-11-06)

01. Submission of Appeal. The petitioners/appellants shall submit a notice of appeal in writing with the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within twenty-one (21) days from the date the authorized chartering entity issues its final decision to deny a petition to form a new public charter school. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Board, two (2) copies of a complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order, must be tabbed and indexed, and must contain, at a minimum, the following documents: (4-11-06)

a. The complete record submitted to the Department, as provided in Subsection 401.01.a. through 401.01.e. of these rules. (4-11-06)

b. A transcript, prepared by a neutral person whose interests are not affiliated with a party to the appeal, of the recorded public hearing conducted by the hearing officer, as described in Subsection 401.06 of these rules. (4-11-06)

c. A copy of the hearing officer's recommendation. (4-11-06)

d. Copies of audio or video recordings, if any, and the minutes of the public hearing conducted by the authorized chartering entity to consider the recommendation of the hearing officer, as described in Subsection 401.08.a. through 401.08.c. of these rules. (4-11-06)

e. Copies of any additional correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition subsequent to the public hearing conducted by the Department. (4-11-06)

f. The final written decision provided by the authorized chartering entity to the petitioners/appellants. (4-11-06)

02. Public Hearing. A public hearing to review the final decision of the authorized chartering entity shall be conducted within a reasonable time from the date that the Board receives the notice of appeal, but not later than sixty (60) calendar days from such date. The public hearing shall be for the purpose of considering all of the materials in the record that were presented at prior proceedings. However, new evidence, testimony, documents, or materials that were not previously considered at prior hearings on the matter may be accepted or considered, in the sole reasonable discretion of the Board, or of the charter appeal committee or public hearing officer, as described in Subsection 402.04 of this rule. (4-11-06)

03. Notice of Hearing. All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

04. Appointment of Charter Appeal Committee or Public Hearing Officer. The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

05. Recommended Findings. If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or appointed public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming or reversing the decision of the authorized chartering entity, or such other action recommended by the charter appeal committee or public hearing officer, such as remanding the matter back to the authorized chartering entity, or redirecting the petition to another authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

06. Final Decision and Order by the Board. The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the petitioner/appellant and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board or by a charter appeal committee, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The final decision and order of the Board shall be sent to both the petitioners/appellants and the authorized chartering entity, and will not be subject to reconsideration. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

a. Approve the charter, if the Board determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the request. In the event the Board approves the charter, the charter shall operate under the jurisdiction of the Commission, as provided by Section 33-5207(6), Idaho Code. (4-11-06)

b. Remand the petition back to the authorized chartering entity for further

consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. (4-11-06)()

c. Redirect the petition for consideration ~~to another authorized chartering entity by the Commission, if the appeal is regarding a denial decision made by the board of trustees of a local school district.~~ (4-11-06)()

d. Deny the appeal submitted by the petitioners/appellants. (4-11-06)

403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER REVOCATION DECISION.

The following procedures shall govern an appeal relating to the denial of a request to revise a charter or a charter revocation decision. (4-11-06)

01. Submission of Appeal. The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to revoke a charter or to deny a charter revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board eleven (11), three (3)-holed punched, copies of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (4-11-06)

a. The name, address, and telephone number of the appellant public charter school and the authorized chartering entity that issued the decision being appealed. (4-11-06)

b. Copies of all correspondence or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed. (4-11-06)

c. Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered or discussed. (4-11-06)

d. The written decision provided by the authorized chartering entity to the appellant public charter school. (4-11-06)

02. Public Hearing. A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the filing of the notice of appeal. (4-11-06)

03. Notice of Hearing. All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for

the hearing will be provided to all parties. (4-11-06)

04. Appointment of Charter Appeal Committee or Public Hearing Officer. The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

05. Prehearing Conference. The entity conducting the public hearing may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

06. Hearing Record. The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

07. Recommended Findings. If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, or reversing the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

08. Final Decision and Order by the Board. The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

a. Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the revocation of the charter, or the request to revise the charter, or that the authorized chartering authority acted in an arbitrary manner in determining to revoke the charter, or in denying the request to revise the charter. (4-11-06)

b. Remand the matter back to the authorized chartering ~~authority~~ **entity** for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. ~~(4-11-06)~~()

~~**c.** Redirect the matter for consideration to another authorized chartering entity.~~ (4-11-06)

~~**d.**~~ Deny the appeal filed by the appellants. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

500. MISCELLANEOUS.

01. Definition of LEA. As used in Section 500 of these rules, the term “local education agency” or “LEA” shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and as such term is further defined in 34 CFR 300.18. (4-11-06)

02. LEA Designations. Section 33-5203(7), Idaho Code, provides that the Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district’s LEA. A public charter school may request to be designated as an LEA. Such request shall be in writing and must be submitted to the executive director of the Board. In addition, such request shall state the reasons why the public charter school is requesting LEA status, and must include, at a minimum, the following: (4-11-06)

a. Verification that the public charter school is a public virtual school under Idaho law (if applicable). (4-11-06)

b. A description of the federal programs for which the public charter school will seek funding, and a detailed discussion of the projected financial impact (positive or negative) to the public charter school if it is designated an LEA. (4-11-06)

c. A discussion of how the public charter school will administer the ISAT tests to its students. (4-11-06)

03. Criteria. The executive director of the Board shall have the authority to designate a public charter school as an LEA, in accordance with the following criteria: (4-11-06)

a. A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA, ~~except as discussed in Subsection 500.03 of these rules.~~ (4-11-06)()

~~**b.** A public virtual school that is chartered by the board of trustees of a school district may be designated as an LEA, if the executive director determines, in his reasonable discretion, that the public virtual school has demonstrated a compelling reason for such designation in its written request and any supporting materials.~~ (4-11-06)

eb. A public charter school that is chartered by the Commission must be designated by the executive director as an LEA, but will still be required to submit a written request pursuant to Subsection 500.02 of these rules. (4-11-06)

04. Referral to the Board. The executive director may determine to refer any request for LEA designation described in Section 500 of these rules to the Board for consideration, including any request submitted by a public charter school that is not eligible under the criteria contained herein. (4-11-06)

05. Review. A public charter school may appeal to the Board a decision made by the executive director of the Board to deny a request to be designated an LEA. (4-11-06)

06. Timeframe for LEA Request. A request for LEA status must be received no later than February 1 in order for any such designation to be effective for the following school year. (4-11-06)

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

08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION

DOCKET NO. 08-0301-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is August 16, 2012. This pending rule has been adopted by the agency and is now pending review by the 2013 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 Sections 33-105 and 33-5212, 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 proposed changes update the petition and revision submission requirement to reflect updated technology, and to amend the rule to coincide with the 2012 statutory changes and improve administrative efficiency for both schools and authorizers. Minor technical changes have been made to the rule and four (4) items have been reordered but not altered.

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 original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 178 through 185.**

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

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

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582
fax: (208)334-2632

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **August 16, 2012**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105 and 33-5212, 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 17, 2012.

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

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

The State Board of Education will be considering changes to IDAPA 08.03.01, "Rules Governing Public Charter Schools," intended to improve administrative efficiency and update the rule to correspond with statutory amendments.

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

To come into compliance with amendments made to Chapter 52, Title 33, Idaho Code made during the 2012 legislative session.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2012 Idaho Administrative Bulletin, [Volume 12-7, page 41](#).

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, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.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 24th, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0301-1201

300. PETITION -- SUBMISSION.

01. Number of Copies. Petitioners shall submit a petition consisting of an ~~unbound original application package and twelve (12) unbound, three (3)-hole punched, copies of the application package to the Commission and an~~ electronic copy of the petition in Microsoft® Word format. ~~Appendices to the petition must be submitted as a single document and may be in Adobe® format (PDF).~~ (4-11-06)()

02. Case Number. The Commission will assign a case number to a petition. Any future documents or correspondence submitted to the Commission after original filing must reference the assigned case number. (4-11-06)

03. Administratively Complete. If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, and IDAPA

08.02.04, "Rules Governing Public Charter Schools." (4-11-06)

04. Considered Received. A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (4-11-06)

05. Supplemental Information. Submission of supplemental information to the Commission shall be accomplished by filing ~~only the pages being amended~~ **a complete, electronic copy of the petition**, with the text to be removed stricken and the new language underlined, with the ~~page number of the page to be replaced at the bottom center of the page and the month and year~~ **date** of revision ~~in the bottom left hand corner of the page~~ **noted on the title page.** (4-11-06)()

06. Sufficiency Review. Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 200.03, and any related documents addressing the deficiencies, if any, at the time the petition is filed with the Commission. (4-11-06)

07. School District Comments. If applicable, school districts may provide comments of the school district where the public charter school will be physically located. (4-11-06)

301. COMPLIANCE MONITORING.

The Commission shall be responsible for ensuring the public charter school operates in accordance with all of the terms and conditions of the approved charter, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (4-11-06)

01. Certificate of Occupancy. Certificate of Occupancy for the public charter school site ~~no later than thirty (30) days prior to the opening of the school;~~ (4-11-06)()

02. Building Inspection Reports. A copy of the inspection report from the Idaho Division of Building Safety ~~to be submitted no later than thirty (30) days before the school initially opens and then within seven (7) days of receipt, thereafter;~~ (4-11-06)()

~~**03. Lease Agreement.** If school structures are being leased, a copy of the lease agreement for the building(s) at which students will be taught;~~ (4-11-06)

043. Fire Marshal Report. A fire marshal report for the public charter school site; (4-11-06)

~~**05. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code;~~ (4-11-06)

~~**06. Reports.** Copies of the following reports within five (5) business days of said reporting being submitted;~~ (4-11-06)

~~a. All reports submitted to the State Department of Education including, but not limited to, the Idaho Basic Education Data System (“IBEDS”); (4-11-06)~~

~~b. All reports submitted to the Board; and (4-11-06)~~

~~e. All reports submitted to federal education agencies including, but not limited to, reports required by the No Child Left Behind Act and the Individuals with Disabilities Education Act. (4-11-06)~~

~~07. **Accreditation Reports.** A copy of the public charter school’s accreditation report must be submitted within five (5) business days of receipt. See Section 33-5206(7), Idaho Code; (4-11-06)~~

~~08. **Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (4-11-06)~~

094. Insurance Binders. Copies of insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker’s compensation insurance, unemployment insurance, and health insurance ~~no later than thirty (30) days prior to the opening of school and thereafter, thirty (30) days before the expiration of the insurance policies;~~ (4-11-06)()

~~10. **Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (4-11-06)~~

~~11. **Goals Attainment.** Reporting to be submitted by the close of the school year demonstrating the students’ level of attainment of the established skills and knowledge specified as goals in the public charter school’s educational program. See Section 33-5206(7), Idaho Code; (4-11-06)~~

~~12. **Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(k), Idaho Code, must be submitted no later than October 15th for the previous school year. See Section 33-5206(7), Idaho Code; (4-11-06)~~

~~1305. **Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (4-11-06)~~

~~14. **Proof of Compliance.** Proof the public charter school board is in compliance with all federal, state, and local rules, regulations, and statutes relating to education, health, safety, and insurance at least thirty (30) days before the first day of operation of the public charter school for each school year; (4-11-06)~~

~~1506. **Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code, ~~no later than thirty (30) days prior to the first day of school;~~ (4-11-06)()~~

~~1607.~~ **Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school ~~must be submitted no later than thirty (30) days prior to the first day of school;~~ and (4-11-06)()

~~1708.~~ **School Calendar.** ~~Daily schedule, and instructional hours. Ninety (90) days before the commencement of each school year, documentation must be submitted to the Commission detailing~~ The school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (4-11-06)()

302. REQUIRED DOCUMENTS PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE COMMISSION MUST SUBMIT TO THE COMMISSION.

01. Lease Agreement. If school structures are leased, a copy of the lease agreement for the building(s) at which students will be taught; ()

02. Financial Statements. Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; ()

03. Accreditation Reports. A copy of the public charter school's accreditation report as required by Section 33-5206(7), Idaho code, must be submitted within five (5) business days of receipt; ()

04. Complaints. Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; ()

05. Board Members. A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; ()

06. Goals Attainment. A report, as required by Section 33-5206(7), Idaho Code, by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program and measurable student educational standards in the approved charter; ()

07. Programmatic Operations Audit. An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(l), Idaho Code, must be submitted no later than August 15th for the previous school year. ()

08. Proof of Compliance. Additional proof of compliance as reasonably requested by the Commission. ()

3023. -- 399. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

401. PETITION -- FORMAT.

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)

- 01. Cover Page.** The cover page must include the following information: (4-11-06)
- a.** Name of proposed charter school; (4-11-06)
 - b.** School year petitioning to open the school; (4-11-06)
 - c.** Name of the school district affected by the attendance area; (4-11-06)
 - i.** Where the public charter school building will be physically located; or (4-11-06)
 - ii.** If it is a virtual school and the physical location of the main office; and (4-11-06)
 - d.** Name, address, telephone number, ~~fax number~~, and e-mail address of the petitioner's authorized representative. (4-11-06)()
- 02. Table of Contents.** The second page shall be the beginning of the table of contents. (4-11-06)
- 03. Tab 1.** (4-11-06)
- ~~**a.** Copies of articles of incorporation, file stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation. See Section 33-5204(1), Idaho Code. (4-11-06)~~
 - ~~**b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. See Section 33-5205(1)(a), Idaho Code. (4-11-06)~~
 - e.** Mission and vision statements. (4-11-06)()
- 04. Tab 2.** The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. ~~See Section 33-5205(4), Idaho Code.~~ (4-11-06)()
- 05. Tab 3.** (4-11-06)
- ba.** A description of what it means to be an "educated person" in the twenty-first century, and how learning best occurs. ~~See Section 33-5205(3)(a), Idaho Code.~~ (4-11-06)()

ab. A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. ~~See Section 33-5205(3)(a), Idaho Code.~~ (4-11-06)()

c. The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. ~~See Section 33-5205(3)(q), Idaho Code.~~ (4-11-06)()

d. The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. ~~See Section 33-5205(3)(r), Idaho Code.~~ (4-11-06)()

06. Tab 4. (4-11-06)

a. The measurable student educational standards the public charter school will use. ~~See Section 33-5205(3)(b), Idaho Code.~~ (4-11-06)()

b. The method by which student progress in meeting the identified student educational standards is to be measured. ~~See Section 33-5205(3)(c), Idaho Code.~~ (4-11-06)()

c. A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. ~~See Section 33-5205(3)(d), Idaho Code.~~ (4-11-06)()

d. A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. ~~See Section 33-5205(3)(e), Idaho Code, and IDAPA 08.02.02, "Rules Governing Uniformity," Section 140.~~ (4-11-06)()

e. A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (4-11-06)

07. Tab 5. (4-11-06)

a. A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. ~~See Section 33-5205(3)(f), Idaho Code.~~ (4-11-06)()

b. A description of the ethical standards to which the governing board of the public charter school will adhere. ()

c. A plan for the initial and ongoing training of the governing board of the public charter school. ()

bd. The process to be followed by the public charter school to ensure parental involvement. ~~See Section 33-5205(3)(f), Idaho Code.~~ (4-11-06)()

ee. The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. ~~See Section 33-5205(3)(k), Idaho Code.~~

~~(4-11-06)()~~

08. Tab 6. (4-11-06)

a. The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. ~~See Section 33-5205(3)(g), Idaho Code.~~ (4-11-06)()

b. The procedures that the public charter school will follow to ensure the health and safety of students and staff. ~~See Section 33-5205(3)(h), Idaho Code.~~ (4-11-06)()

c. The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. ()

d. The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and re-enrolled. ()

ee. A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. ~~See Section 33-5205(3)(m), Idaho Code.~~ (4-11-06)()

df. A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. ~~See Section 33-5205(3)(o), Idaho Code.~~ (4-11-06)()

eg. A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. ~~See Section 33-5205(3)(p), Idaho Code.~~ (4-11-06)()

fh. A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)

09. Tab 7. (4-11-06)

a. Admission procedures, including provision for over enrollment. ~~See Section 33-5205(3)(j), Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," Section 203.~~ (4-11-06)()

b. ~~The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and reenrolled. See Section 33-5205(3)(l), Idaho Code.~~ (4-11-06)

c. ~~The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances.~~ (4-11-06)

~~**db.**~~ The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. ~~See Section 33-5205(3)(n), Idaho Code.~~ (4-11-06)()

~~**ec.**~~ The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. ~~See Section 33-5205(3)(s), Idaho Code.~~ (4-11-06)()

~~**fd.**~~ A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. ~~See Section 33-5205(3)(i), Idaho Code.~~ (4-11-06)()

~~**ge.**~~ The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)

f. A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (4-11-06)

g. The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)

10. Tab 8. (4-11-06)

a. A detailed business plan including: (4-11-06)

i. Business description, (4-11-06)

ii. Marketing plan, (4-11-06)

iii. Management plan, (4-11-06)

~~iv. Resumes of the directors of the nonprofit corporation,~~ (4-11-06)

iv. The school's financial plan, and (4-11-06)()

~~vi. Start-up budget with assumptions form,~~ (4-11-06)

~~vii. Three (3)-year operating budget form, and~~ (4-11-06)

~~viii. First year month-by-month cash flow form.~~ (4-11-06)

v. A pre-opening plan and timeline. ()

~~**b.** The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format.~~ (4-11-06)

eb. A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4-11-06)

~~d.c.~~ Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (4-11-06)

11. Tab 9. If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(6), Idaho Code. (4-11-06)

12. Tab 10. (4-11-06)

a. A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations; ~~and copies of any contracts or lease agreements.~~ (4-11-06)()

b. Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (4-11-06)

c. A plan for termination of the charter by the board of the public charter school. (4-11-06)

13. Appendices. ()

a. Copies of articles of incorporation, file-stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation; ()

b. Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. ()

c. Resumes of the directors of the nonprofit corporation, including references; ()

d. Copies of any contracts or lease agreements; ()

e. Start-up budget with assumptions form and supporting documentation; ()

f. Three-year operating budget form; and ()

g. First year month-by-month cash flow form. ()

h. The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format and any other such format as may be reasonably requested by the Commission. ()

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2013, 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 Sections 33-105, 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments.

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.

Over the past year the Idaho Division of Vocational Rehabilitation (IDVR) has reviewed and updated policy and procedures in the agencies Field Service Manual, this manual is incorporated by reference into IDAPA 47.01.01.

Additional changes to the rule clarify language regarding the IDVR customer appeal and mediation processes as well as the order of selection process. These changes will bring IDVR into alignment with the recommendations and finding of their last federal review.

Additional comments were received by IDVR during the comment period, in response to these comments additional changes have been made to the Field Service Manual. Changes also include a new of Section, 12.9, Vehicle Purchase, as required by the Federal Rehabilitation Services Administration.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 959 through 965](#).

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 the pending rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this November 30, 2012.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
(208)332-1582, fax: (208)334-2632

THE FOLLOWING NOTICE WAS 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, 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments.

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 17, 2012.

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:

Proposed changes incorporate the changes made by the temporary rule published in the April 2012 Administrative Bulletin. The temporary rule changes were made in response to recommendation from Divisions last federal audit. Additional proposed changes are being made in response to a comprehensive review of the policies and procedures of the Division and clarify language regarding the customer appeal and mediation processes as well as the order of selection process and incorporates the updated version, approved by the State Board of Education on August 16, 2012, of the Division of Vocational Rehabilitation's Field Service Policy manual by reference.

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(1), Idaho Code, negotiated rulemaking was conducted. Initial notice was made in the form of the temporary rule published in the April 2012 Idaho Administrative Bulletin, **Volume 12-4, page 16**.

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:

The Division of Vocation Rehabilitation outlines specific programs and processes on the access of services in the Division of Vocational Rehabilitation Field Service Manual; due to the specific nature of these processes it is not feasible to include the text within a rule. All documents incorporated by reference are must go through the rule promulgation process to be changed.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jane Donnellan, at (208)287-6477 or jane.donnellan@vr.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 24th, 2012.

DATED this 31st day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 47-0101-1202

004. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (3-30-01)

- a.** All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)

b. Idaho Division of Vocational Rehabilitation Field Services **Policy** Manual, **2008 November 2012**, available for review on the website at <http://www.vr.idaho.gov/>. ~~(2-17-09)~~()

~~**e.** *Federal State Plan for Vocational Rehabilitation 2008–2010, available for review on the website at <http://www.vr.idaho.gov/>.*~~ ~~(2-17-09)~~

~~**c.**~~ Workforce Investment Act, Public Law 105-220. (5-3-03)

~~**d.**~~ Federal Register, Department of Education, 34 CFR Part 361- 363. (2-17-09)

~~**e.**~~ The Rehabilitation Act of 1973, as amended. (2-17-09)

03. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.02. (2-17-09)

005. -- 009. (RESERVED)

010. DEFINITIONS.

01. Authorization to Purchase. A purchase order issued on behalf of the Division. (5-3-03)

02. CFR. Code of Federal Regulations. (7-1-93)

03. ~~Client/Participant~~ Customer. Any individual who has applied for or is eligible for Vocational Rehabilitation services. ~~(5-3-03)~~()

04. Designated State Agency. The Idaho State Board of Education. (5-3-03)

05. Designated State Unit. The Idaho Division of Vocational Rehabilitation. (7-1-93)

06. IDVR. The Idaho Division of Vocational Rehabilitation. (4-5-00)

07. IPE. Individualized Plan for Employment. (4-5-00)

08. Most Significant Disability (MSD). Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and defined in 34CFR Part 361.5 (b) 30 and is further defined as: (2-17-09)

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits ~~two~~ **three** (**23**) or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and ~~(5-3-03)~~()

b. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (3-20-04)

09. Method of Written Notification. The written notification of findings and conclusions arising from an Informal Dispute Resolution, Mediation, ~~Impartial Due Process~~ **Fair** Hearing, shall be served to the ~~client~~ **customer** via the U.S. Postal Service ~~by means of certified mail. Durational requirements for appeals shall commence on the day received by the client as noted by the certified mail records.~~ (5-3-03)()

10. PM. Policy Memorandum. (5-3-03)

11. RSA. Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)

12. State Administrator. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (4-5-00)

13. VRC. Vocational Rehabilitation Counselor. (5-3-03)

011. -- 099. (RESERVED)

100. CLIENT/PARTICIPANT CUSTOMER APPEALS.

In accordance with 34 CFR Part 361.57, the ~~client/participant~~ **customer** appeals process is governed by Section 100 ~~through 103~~ of these rules and is outlined in the Division's agency Field Services Manual on the website at <http://www.vr.idaho.gov/> that is incorporated by reference into these rules in Subsection 004.02.b. (2-17-09)()

101. INFORMAL APPEALS REVIEW PROCESS.

The informal ~~administrative~~ review process is an option available to the ~~individual~~ **customer** as a proven means likely to result in a timely resolution of disagreements. An individual must request an informal ~~administrative~~ review within ~~ten~~ **twenty-one (21)** calendar days of the agency notice regarding the provision or denial of services that are in question. The request must be in writing to the regional manager. The request must describe the complaint. In holding an informal ~~administrative~~ review, the regional manager will function as the administrative review officer, ~~and~~ **At the customer's request another regional manager may be substituted. The reviewer** will be responsible for: (3-29-10)()

01. Advising the Customer. ~~Advising the customer of his right to have a representative present and encouraging the customer to use the services of CAP.~~ ()

02. Conducting the Review. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. ~~Unless an extension is agreed upon by both parties.~~ (3-29-10)()

~~**b.** Advising the individual of their right to have a representative present and encouraging the individual to use the services of CAP.~~ (3-29-10)

~~**e.** Insuring that the review is conducted at a time mutually agreed to by the parties involved that ensures the entire appeals process can be completed within forty five (45) calendar days, unless the parties agree to a specific extension of time.~~ (3-29-10)

~~d.~~ *When undue delay is caused by the individual in scheduling an administrative review, the individual will be informed that if the review is not conducted within thirty (30) calendar days following the individual's request for an informal administrative review, the individual's request will be viewed by IDVR as invalid.* (3-29-10)

e03. Documented Effort. When the *individual customer* makes a documented effort to utilize CAP or another *selected* advocate to resolve the dissatisfaction, the time allowed for conducting an *administrative informal* review will be extended accordingly. (3-29-10)()

f04. Review Location. Holding the review at a time and place convenient to the *individual customer*, generally at the local IDVR branch office. (3-29-10)()

g05. Communication Method. Providing communication methods for those *individuals customers* who have a sensory impairment. An interpreter will be provided for those *individuals customers* who cannot communicate in English. (3-29-10)()

h06. Transportation. ~~Assuring~~ *If needed assure* that the *individual customer* is provided transportation to and from the review site, ~~if needed~~. (3-29-10)()

i07. Written Proposal. The *administrative informal* review officer (regional manager) will attempt to resolve the matter to the satisfaction of the *individual customer*, developing a written *agreement proposal* with the *individual customer* at the conclusion of the appeal process. ~~A copy will be sent to the Administrator, Chief of Field Services, the involved counselor(s) and the counselor's supervisor.~~ The results are binding for the agency unless the *decision proposal* is not permitted by law. The *individual customer* may reject the ~~findings of the review proposal~~ and request a *formal appeal known as an Impartial Due Process Hearing a fair hearing within ten (10) calendar days of the informal review proposal or sixty (60) calendar days of the original agency decision, whichever comes later.* (3-29-10)()

102. MEDIATION.

Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the formal appeals process. ()

01. Time Line. *A customer must request mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the informal review. Mediation is available to a customer when and informal review has not resolved the dispute to the satisfaction of the customer.* ()

02. Written Request. *Requests for mediation must be made in writing to the chief of field services and must clearly state the reason for dissatisfaction with the decision or results of the informal review. The chief of field series will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the agency action that created the customer's dissatisfaction.* ()

03. Participation. *Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Once mediation has been accepted as an alternate dispute resolution method,*

either party may terminate the mediation process. ()

04. Fair Housing. Mediation may not be used to deny or delay the customer's right to pursue a fair hearing. Should the customer and/or designated representative select mediation in lieu of a fair hearing the option for a fair hearing will be extended to allow the results of the mediation to be established. Once the final results of the mediation are determined, the customer retains the right to request a fair hearing. ()

05. Mediator. All mediation is conducted by a qualified and impartial mediator who is selected randomly from a list of mediators maintained by IDVR. ()

06. Confidentiality. Mediation discussions are confidential and may not be used as evidence in a fair hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process. ()

07. Mediation Agreement. The mediator will develop a written mediation agreement if an agreement between the parties is reached. The agreement must be signed by the customer, the mediator, and the IDVR designated representative. ()

08. Cost. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer. ()

1023. FORMAL APPEALS FAIR HEARING PROCESS.

The ~~formal appeal~~ fair hearing process is an option available to any ~~individual~~ customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. ~~An individual customer~~ may request a fair hearing immediately without having to go through any other appeal steps. A customer may request, or if appropriate may request through the ~~individual's~~ customer's representative, a timely review of the determination. Such request must be made within sixty (60) days of the IDVR ~~case management~~ decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the informal review or mediation process, whichever is later. The ~~formal appeal~~ fair hearing process shall include an ~~impartial due process~~ fair hearing by an ~~impartial~~ fair hearing officer (~~FHO~~). (3-29-10)()

a01. Procedure. A ~~formal~~ fair hearing is a procedure whereby an ~~individual~~ customer who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the ~~administrative~~ informal review or mediation may seek a determination of agency action before an ~~impartial~~ fair hearing officer. (3-29-10)()

~~b. The individual must request a hearing within ten (10) calendar days of the agency notice regarding the provision or denial of services based upon the conclusion of the administrative review or mediation. The individual may bypass the informal administrative review or mediation process entirely and go directly to the impartial due process hearing (fair hearing). That process will then commence immediately.~~ (3-29-10)

e02. Written Request. A request for a fair hearing must be sent in writing to the Chief of Field Services and clearly state the ~~individual's~~ customer's dissatisfaction with the agency's decision. (3-29-10)()

~~h03.~~ **Timeline.** The hearing shall be conducted within sixty (60) calendar days of receipt of the individual's request for review, unless informal resolution is achieved prior to the 60th day, or the parties agree to a specific extension of time. (3-29-10)

~~e04.~~ **Fair Hearing Officers.** A list of fair hearing officers shall be ~~conducted by an impartial hearing officer selected from the pool of qualified persons~~ identified jointly by the Administrator of IDVR and the State Rehabilitation Council. The fair hearing officer shall be selected from the list by the administrator of IDVR and the customer. (3-29-10)()

~~f05.~~ **Written Report.** The fair hearing officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing. (3-29-10)()

~~g06.~~ **Decision.** The decision of the fair hearing officer shall be considered final by the agency. (3-29-10)()

~~h07.~~ **Dispute.** Any party who disagrees with the findings and decisions of an impartial fair hearing officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any state court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy. (3-29-10)()

~~03.~~ **~~Impartial Due Process Hearing.~~** ~~An individual may request an impartial due process hearing immediately without having to go through other appeal steps. Even if an individual agrees to an informal hearings process, such individual is entitled to a due process hearing within sixty (60) days of the IDVR case management decision that initiated the disagreement, unless both parties agree to an extension.~~ (3-29-10)

~~04.~~ **~~Mediation.~~** ~~Mediation is an alternate dispute resolution method available to applicants and eligible individuals who have initiated the formal appeals process.~~ (3-29-10)

~~a.~~ ~~An individual must request mediation within ten (10) calendar days of the agency notice regarding the results of the administrative review. Mediation is available to an individual when an administrative review has not resolved the dispute to the satisfaction of the individual.~~ (3-29-10)

~~b.~~ ~~A request for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the results of the administrative review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in agency action that created the individual's dissatisfaction.~~ (3-29-10)

~~c.~~ ~~Participation in the mediation process is voluntary on the part of the individual and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.~~ (3-29-10)

~~d.~~ *Mediation is not used to deny or delay the individual's right to pursue an impartial hearing. Should the individual or designated representatives select mediation in lieu of a formal hearing, the option for the formal hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the individual retains the right to request a formal hearing.* (3-29-10)

~~e.~~ *Mediation is conducted by qualified and impartial mediators who are selected randomly from a list of mediators maintained by IDVR.* (3-29-10)

~~f.~~ *Mediation discussions are confidential and may not be used as evidence in a subsequent due process hearing.* (3-29-10)

~~g.~~ *The mediator will develop a written mediation agreement if agreement between the parties is reached, signed by the individual, the mediator and IDVR.* (3-29-10)

~~h.~~ *Cost of mediation is paid by IDVR, although no costs are provided for representation for the individual.* (3-29-10)

1014. -- 199. (RESERVED)

200. ORDER OF SELECTION.

~~01.~~ ~~Order of Selection.~~ The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible ~~clients/participants~~ **customers** due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one (1) being the most restrictive and priority number four (4) being the least restrictive. (5-3-03)()

~~a01.~~ **Priority Number 1.** At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized plan for employment (IPE) will continue to be served. (5-3-03)

~~b02.~~ **Priority Number 2.** At the time that a decision to move to an order of selection is made, it is determined that only those ~~consumers~~ **customers** in Priority Number 1 above and current and future, otherwise eligible, ~~clients/participants~~ **customers** rated to this or a more restrictive priority can be served. ~~Consumers~~ **Customers** meeting this priority rating are those ~~individuals~~ **customers** with most significant disabilities. (5-3-03)()

~~e03.~~ **Priority Number 3.** At the time that a decision to move to an order of selection is made, it is determined that only those ~~consumers~~ **customers** in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, ~~clients/participants~~ **customers** rated to this or a more restrictive priority can be served. ~~Consumers~~ **Customers** meeting this priority rating are those ~~individuals~~ **customers** with significant disabilities. (5-3-03)()

~~d04.~~ **Priority Number 4.** All eligible ~~clients/participants~~ **customers** for Vocational Rehabilitation services (no order of selection in place). (5-3-03)()

201. -- 299. (RESERVED)

300. ~~CLIENT/PARTICIPANT~~ **CUSTOMER** SERVICES.

01. Provision of Purchased Services Contingent upon Financial Need of the ~~Client/Participant~~ Customer. The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in allocating the cost of VR services, with some exceptions. (5-3-03)()

02. Authorization to Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or on, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice. (5-3-03)

03. General Provisions. Idaho Division of Vocational Rehabilitation will only pay for services that contribute to the determination of eligibility or to achieve an employment outcome. (3-20-04)

~~04. **Non-Residents of the State.** Financial participation will only be available to residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status and be present in the state (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs).~~ **Residency.** There is no duration of residency requirement. The customer must be living in the state of Idaho and legally be able to work within the United States (i.e., non U.S. citizens must show they are legally able to work within the United States). (3-20-04)()

05. Provision of CRP (Community Rehabilitation Program) Services. IDVR will purchase vocational services from CRPs that are accredited by either Commission Accreditation Rehabilitation Facilities (CARF), the Rehabilitation Accreditation Commission, or Rehabilitation Services Accreditation System (RSAS). In conjunction with the ~~client/participant~~ customer, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the ~~client/participant~~ customer to achieve an employment outcome. (3-20-04)()