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Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

FROM: Principal Legislative Research Analyst - Brooke Brouman

DATE: October 03, 2014

SUBJECT: State Board of Education - State Department of Education

IDAPA 08.01.11 - Registration of Post-Secondary Educational Institutions and Proprietary Schools - Proposed Rule (Docket No. 08-0111-1401)

IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1401)

(1) IDAPA 08.01.11 - Registration of Post-Secondary Educational Institutions and Proprietary Schools - Proposed Rule (Docket No. 08-0111-1401): The State Board of and State Department of Education submit notice of proposed rulemaking relating to Registration of Post-Secondary Educational Institutions and Proprietary Schools. Unless otherwise exempt, Idaho Code requires that each postsecondary educational institution that maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, must register annually with and hold a valid certificate of registration issued by the director of the Board. The Board's proposed rule revises the definition of "Idaho presence" for registration purposes to 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 multiyear arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction where eleven or more students of the institution are physically present simultaneously at a single field site. The proposed rule also allows registration applicants to provide a financial instrument other than an annual audited financial statement as part of the registration process.

Negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2014 Idaho Administrative Bulletin.

The Board states that there will be fiscal impact due to the proposed change, but does not specify what the fiscal impact will be.

The proposed rule appears to be within the authority granted to the Board pursuant to Section 33-2407, Idaho Code.

(2) IDAPA 08.02.02 - Rules Governing Uniformity - Proposed Rule (Docket No. 08-0202-1401): The State Board of and State Department of Education submit notice of proposed rulemaking relating to Rules Governing Uniformity. The Board states that the proposed rule reflects a 2013 recommendation of the Governor's Task Force for Improving Education to move to a tiered teacher licensure model that encompasses a

continuum of professional growth and learning and that movement through the tiered system be accomplished in an objective way using performance measures. The tiered certification model includes a three-year non-renewable Idaho Residency Certificate, a five-year renewable Idaho Professional Certificate and a five-year renewable Idaho Master Professional Certificate. The Board states that the existing categorical requirements for elementary, secondary and early childhood, and professional-technical certificates would continue to apply and be incorporated into the tiered certification model.

Additionally, the proposed rule provides for renewal extensions for certified teachers granted a leave of absence, requirements for obtaining inactive status and a three-year nonrenewable interim certification process for teachers holding certificates from another state and teachers completing an alternate route of certification.

Negotiated rulemaking was conducted through the Career Ladder/Tiered Licensure subcommittee of stakeholders looking at implementing the recommendations from the Governor's Task Force for Improving Education.

The Board states that the proposed changes to the teacher certification process may necessitate additional one-time costs for database programming to capture the new data fields. The total programming costs are estimated to be under \$10,000. An additional staff person or the restructuring of current department staff to process the certifications in a timely manner may be necessary.

Public hearings concerning this rulemaking will be held on October 7, 14 and 21, 2014, in Pocatello, Lewiston and Meridian, respectively.

The proposed rule appears to be within the authority granted to the Board pursuant to Section 33-1204, Idaho Code.

cc: State Board of Education - State Department of Education
Tracie Bent, Chief Planning and Policy Officer