

PENDING RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
House Education Committee
66th Idaho Legislature
Second Regular Session – 2022



Prepared by:

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

January 2022



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
Executive Office of the Governor

BRAD LITTLE
Governor

ALEX J. ADAMS
Administrator

January 10, 2022

MEMORANDUM

TO: Members of the 2022 Idaho State Legislature

FROM: Alex J. Adams, Administrator *Alex J. Adams*
Bradley A. Hunt, Rules Coordinator *Bradley A. Hunt*

SUBJECT: Overview of Executive Agency Rulemaking in 2021

Background. Governor Little maintains and continues to stress the importance of an efficiently functioning government along with ensuring continuity of the services citizens expect and implemented through executive administrative rules. Nearly all rules published in the Legislative Rules Review books are simply re-published because the 2021 Legislature adjourned *sine die* without passing a concurrent resolution approving any pending fee rules as specified in Section 67-5224, Idaho Code, as well as not extending any effective rule on July 1 by statute as outlined in Section 67-5292, Idaho Code. The necessary rules were re-published in the following special bulletins:

- [July 21](#) – Temporary Rules
- [October 20](#) – Proposed Rules
- [December 22](#) – Pending Rules

Changes in Existing Rules. Since the vast majority of rules either expired or were not approved, there is no existing rule available to amend. Therefore, only a clean version of the rule chapter is able to be presented to the Legislature in January 2022. In some cases, rules were modified based on public comment, or to implement Executive Order [2020-01](#), Zero-Based Regulation (ZBR), among other reasons. Given the unprecedented volume, edits are incorporated within a single omnibus docket, or in the case of ZBR rulemaking a standalone docket, and presented as a clean rule chapter. There are several ways that legislators may view previous rules for comparison purposes:

- An [archive of any rule](#) since 1996 is available on the DFM website. This allows legislators to see the evolution of a rule over time.
- The Legislative Services Office analyzes all proposed rules. You can find their analysis of proposed rules which, in some cases, may discuss changes between previous rules and the proposed rules. These may be found on the [Legislature's website](#).
- Changes made between the proposed and pending rule stages for omnibus rulemaking were noted in the [December 22](#) bulletin where applicable.

Process for Approving Rules. Below, you will find a brief description on legislative actions and outcomes regarding the rules review process and contents of the Legislative Rules Review Books:

- Pending Fee Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to become final.
- Pending Rules become final and effective *sine die* unless rejected, in whole or in part, via concurrent resolution adopted by both bodies.
 - Pending rules may be approved, in whole or in part, or rejected if determined to be inconsistent with legislative intent of the governing statute.
 - If rejected, new or amended language must be identified at a numerical or alphabetical designation within the rule and specified in the concurrent resolution.
- A link to LSO's proposed rule analysis is provided at the beginning of each docket and includes any required supporting documentation (e.g. Cost Benefit Analysis (CBA), Incorporation By Reference Synopsis (IBRS)) as part of the analysis.
- All 2022 review books can be accessed on the DFM website [here](#).

Contact Information. If questions arise during the rules review process, please do not hesitate to contact the Rules Coordinator, Brad Hunt: Brad.Hunt@dfm.idaho.gov; 208-854-3096.

HOUSE EDUCATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

Table of Contents

2022 Legislative Session

IDAPA 08 – STATE BOARD OF EDUCATION

Docket No. 08-0000-21004
 08.01.11 – Registration of Postsecondary Educational Institutions and Proprietary Schools 7
 08.01.13 – Rules Governing the Opportunity Scholarship Program 16
 08.02.01 – Rules Governing Administration 21
 08.02.02 – Rules Governing Uniformity 32
 08.02.03 – Rules Governing Thoroughness 65
 08.02.04 – Rules Governing Public Charter Schools 89
 08.02.05 – Rules Governing Pay for Success Contracting 104
 08.03.01 – Rules of the Public Charter School Commission 107
 08.04.01 – Rules of the Idaho Digital Learning Academy 109

08.01.02 – Rules Governing the Postsecondary Credit Scholarship Program

Docket No. 08-0102-2101 (New Chapter)110

08.01.10 – Idaho College Work Study Program

Docket No. 08-0110-2101 (New Chapter)113

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

Docket No. 55-0000-2100116
 55.01.03 – Rules of Career Technical Schools 118
 55.01.04 – Rules Governing Idaho Quality Program Standards Incentive Grants
 and Agricultural Education Program Start-Up Grants 121

IDAPA 08 – STATE BOARD OF EDUCATION

DOCKET NO. 08-0000-2100

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of, or date specified in, the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-115, 33-116, 33-118, 33-118A, 33-119, 33-120, 33-125B, 33-130, 33-133, 33-134, 33-136, 33-203, 33-307, 33-310, 33-320, 33-523, 33-804A, 33-1002, 33-1002C, 33-1002F, 33-1004, 33-1006, 33-1007A, 33-1201, 33-1201A, 33-1202, 33-1204, 33-1205, 33-1210, 33-1212, 33-1212A, 33-1280, 33-1304, 33-1602, 33-1612, 33-1613, 33-1614, 33-1616, 33-1631, 33-2002, 33-2003, 33-2009, 33-2402, 33-2403, 33-4303, 33-4402, 33-4403, 33-4601A, 33-4605, 33-5203, 33-5205, 33-5207, 33-5208, 33-5210, 33-5504, 33-5505, and 33-5507, Idaho Code.

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

This pending rule adopts and publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 08, rules of the Idaho State Board of Education:

IDAPA 08

- 08.01.11, *Registration of Postsecondary Educational Institutions and Proprietary Schools*;
- 08.01.13, *Rules Governing the Opportunity Scholarship Program*;
- 08.02.01, *Rules Governing Administration*;
- 08.02.02, *Rules Governing Uniformity*;
- 08.02.03, *Rules Governing Thoroughness*;
- 08.02.04, *Rules Governing Public Charter Schools*;
- 08.02.05, *Rules Governing Pay for Success Contracting*;
- 08.03.01, *Rules of the Public Charter School Commission*; and
- 08.04.01, *Rules of the Idaho Digital Learning Academy*.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the October 20, 2021, Special Edition of the Idaho Administrative Bulletin, [Vol. 21-10SE, pages 646-750](#). The pending rule is being adopted with amendments identified during the public comment period. They include:

IDAPA 08.02.02.

015.02. – reverting the proposed change to the minimum educational requirement for school psychologist on an interim certificate back to a master’s degree or higher.

028. – adds a sentence indicating what the Professional Endorsements are used for.

IDAPA 08.02.03.

007. Definitions – changing the defined term for the “Learning Plan” to “Career Pathway Plan” and moving to maintain alphabetical order of defined terms.

111. Assessment In The Public Schools – Amending the grade level list to include a college entrance exam in grades 11 and 12, allowing students to who choose to take the exam to take it in either year.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to

have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

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

Dated this 22nd day of December, 2021.

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THE FOLLOWING NOTICE PUBLISHED WITH THE OMNIBUS 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-115, 33-116, 33-118, 33-118A, 33-119, 33-120, 33-125B, 33-130, 33-133, 33-134, 33-136, 33-203, 33-307, 33-310, 33-320, 33-523, 33-804A, 33-1002, 33-1002C, 33-1002F, 33-1004, 33-1006, 33-1007A, 33-1201, 33-1201A, 33-1202, 33-1204, 33-1205, 33-1210, 33-1212, 33-1212A, 33-1280, 33-1304, 33-1602, 33-1612, 33-1613, 33-1614, 33-1616, 33-1631, 33-2002, 33-2003, 33-2009, 33-2402, 33-2403, 33-4303, 33-4402, 33-4403, 33-4601A, 33-4605, 33-5203, 33-5205, 33-5207, 33-5208, 33-5210, 33-5504, 33-5505, and 33-5507, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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

This proposed rulemaking publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 08, rules of the Idaho State Board of Education:

IDAPA 08

- 08.01.11, *Registration of Postsecondary Educational Institutions and Proprietary Schools*;
- 08.01.13, *Rules Governing the Opportunity Scholarship Program*;
- 08.02.01, *Rules Governing Administration*;
- 08.02.02, *Rules Governing Uniformity*;
- 08.02.03, *Rules Governing Thoroughness*;
- 08.02.04, *Rules Governing Public Charter Schools*;
- 08.02.05, *Rules Governing Pay for Success Contracting*;
- 08.03.01, *Rules of the Public Charter School Commission*; and
- 08.04.01, *Rules of the Idaho Digital Learning Academy*.

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

Additionally, this rulemaking incorporates negotiated rulemaking conducted outside of this omnibus rulemaking under dockets 08-0201-2102, 08-0202-2101, and 08-0203-2101 published in the July 7, 2021 Idaho Administrative Bulletin, [Vol. 21-7, pages 18-20](#), and affects the following rule chapters included in this proposed rulemaking: IDAPA 08.02.01, 08.02.02, and 08.02.03.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, 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 within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

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

THE FOLLOWING IS THE TEXT OF OMNIBUS PENDING DOCKET NO. 08-0000-2100

**08.01.11 – REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS
AND PROPRIETARY SCHOOLS**

000. LEGAL AUTHORITY.

The following rules are made under authority of Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, Idaho Code. ()

001. SCOPE.

This rule sets forth the registration requirements for postsecondary educational institutions that are required to register with the Idaho State Board of Education (“Board”) under Section 33-2402, Idaho Code, and for proprietary schools required to register with the Board under Section 33-2403, Idaho Code. In addition, this rule describes the standards and criteria for Board recognition of accreditation organizations, for registration purposes. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Accredited. Means that a postsecondary educational institution has been recognized or approved as meeting the standards established by an accrediting organization recognized by the Board. ()

02. Executive Director. Defined in Section 33-102A, shall mean the Executive Officer of the Office of the State Board of Education, or his designee. ()

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

04. Postsecondary Educational Institution. Sometimes referred to in this rule simply as an institution, is defined in Section 33-2401(8), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within, the state of Idaho, and which provides a course or courses of study that lead to a degree, or which provides, offers or sells degrees. ()

05. Proprietary School. Sometimes referred to in this rule simply as a school, is defined in Section 33-2401(9), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within the state of Idaho and which conducts, provides, offers or sells a course or courses of study, but which does not provide, offer or sell degrees. ()

011. -- 099. (RESERVED)

100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

For purposes of registration of postsecondary educational institutions, the Board recognizes the regional accreditation organizations that are recognized by and in good standing with the United States Department of Education, 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. ()

101. -- 200. (RESERVED)

201. THE BOARD MAY NOTIFY THE POSTSECONDARY EDUCATIONAL INSTITUTION OF ADDITIONAL INFORMATION REQUIRED.

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

01. Verification of Information. The Board may verify the accuracy of submitted information by

inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. ()

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

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

04. Certificate of Registration or Exemption. ()

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

b. An institution exempt from registration under these rules may request a certificate of exemption. ()

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

05. Disapproval and Appeal. If a postsecondary educational institution’s request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision by submitting written request. The request must be in writing and made to the Board office within thirty (30) days of the date the institution is notified of the disapproval. ()

06. Withdrawal of Approval. ()

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

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

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

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

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

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

v. Loss of accreditation status. ()

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

202. -- 300. (RESERVED)

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. ()

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. ()

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. ()

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

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. ()

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. ()

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. ()

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. ()

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. ()

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 must follow applicable trade or occupational 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. Applicants must include an attestation that courses or courses of study applicable to occupations, which are otherwise regulated, licensed, or registered with another state agency or state board, meet the regulating state agency or state board standards for licensure or certification at the time of application. The office of the state board of education does not review course or program curriculum. ()

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. ()

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. ()

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. ()

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. ()

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. ()

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

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. ()

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

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

ii. Completion requirements for the courses or courses of study; ()

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

iv. Cancellation and refund policies; ()

v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; ()

vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; ()

vii. A complete list of instructors and their qualifications; ()

viii. A listing of available student services; and ()

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. ()

04. Standard IV - Faculty/Instructor Qualifications and Compensation. ()

a. Instructor qualifications (training and experience) must be recorded and available to students. ()

b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. ()

- c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. ()
- d. Commissions may not be used for any portion of the faculty compensation. ()
- e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. ()

05. Standard V - Resources, Finance, Facilities, and Instructional Resources. ()

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. ()

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. ()

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. ()

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. ()

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. ()

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

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

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

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

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

04. Certificate of Registration or Exemption. ()

a. A certificate of registration will be issued to a proprietary school that has paid its registration fee and been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through

June 30 of the next succeeding year. No school that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is “Registered with Idaho State Board of Education.” Registration is not an endorsement of the school. ()

b. An institution exempt from registration under these rules may request a certificate of exemption. ()

c. If a school wishes to offer additional courses or courses of study during the course of a registration year that were not included in its application to the Board prior to issuance of the certificate of registration, then the school must submit a letter to the Board Office along with appropriate approval documentation by the applicable professional or trade board, council, or commission. This letter will be added to the school’s registration file. ()

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

06. Withdrawal of Approval. ()

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

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

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

ii. Providing false, misleading, deceptive, or incomplete information to the Board. ()

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

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

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

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

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

i. The aggravated assault of a child, Section 18-905, Idaho Code, or the assault with intent to commit

- a serious felony against a child, Section 18-909, Idaho Code. ()
- ii. The aggravated battery of a child, Section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, Section 18-911, Idaho Code. ()
 - iii. The injury or death of a child, Section 18-1501, Idaho Code. ()
 - iv. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code. ()
 - v. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. ()
 - vi. The sexual exploitation of a child, Section 18-1507, Idaho Code. ()
 - vii. Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. ()
 - viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. ()
 - ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. ()
 - x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. ()
 - xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. ()
 - xii. The kidnapping of a child, Section 18-4502, Idaho Code. ()
 - xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. ()
 - xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. ()
 - xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. ()
- b.** The general classes of felonies listed in Section 302 shall include equivalent laws of federal or other state jurisdictions. For the purpose of Subsection 302.07, “child” means a minor or juvenile as defined by the applicable state or federal law. ()
- 08. Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. ()
- a.** The amount of the surety bond shall be not less than the total tuition and fees to be collected by the school from its students, currently engaged in instructional activities, that covers the period from the beginning through completion of the course of instruction the student has contracted and paid for. This amount shall be based upon the projected tuition and fee revenue for the coming registration year, subject to modification in the event a school experiences significant changes in tuition and fee revenue during the current year. The Executive Director shall determine the appropriate format and method by which this bond value is to be calculated and reported. ()
 - b.** Schools must keep a valid bond in force, via periodic renewal as needed, throughout the entire registration year with no lapse in coverage. Schools shall ensure that all bonds include “extended coverage” clauses

to remain in effect for one hundred twenty (120) days after the date of a school’s closure. ()

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

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

303. -- 399. (RESERVED)

400. ENFORCEMENT.

The Board, acting by and through its Executive Director may initiate on its own initiative any investigation relating to a violation of the state laws or rules relating to the requirement that an institution or school register with the Board pursuant to Title 33, Chapter 24, Idaho Code. ()

401. -- 499. (RESERVED)

500. COMPLAINTS.

A complaint concerning an institution or school operating in the State of Idaho (maintaining an Idaho presence) that pertains to a matter described herein shall be reviewed and acted upon as appropriate in accordance with the specific procedures described below: ()

01. Violations of State Consumer Protection Laws. A complaint alleging a violation of Idaho consumer protection laws shall be instituted, reviewed, and acted upon in accordance with IDAPA 04.02.01, “Idaho Rules of Consumer Protection, Office of the Attorney General.” ()

02. Violations of State Laws or Rules Related to the Registration of Postsecondary Educational Institutions and Proprietary Schools. A complaint alleging violations of state laws or rules related to the requirement that an institution or school register with the Board shall be submitted in writing to the Board’s Executive Director for investigation and appropriate enforcement action, including the remedies specified in Section 33-2408, Idaho Code. ()

03. Complaints Related to Quality of Education, or Other Matters. ()

a. A complaint relating to the quality of education provided by an institution or school or accreditation matters, or any other matter related to the operations or practices of an institution or school other than a state consumer protection matter, shall be submitted on a form provided by the Board to the Executive Director for review and appropriate action. ()

b. If after initial review the Executive Director determines that the complaint relates to the quality of education or accreditation matters, the Executive Director may refer the matter to the accreditation organization of the institution or school at issue for review and recommendation. If a matter referred to an accreditation organization results in resolution of the complaint to the satisfaction of the complainant, then the matter shall be considered resolved and there shall be no further action on the matter. If the matter is not successfully resolved, then the Executive Director will review the recommendation of the accreditation organization and follow the procedures for investigations of complaints described in Subsection 500.03.c. of these rules. ()

c. If the complaint pertains to any other matter related to the operations or practices of an institution or school, other than a state consumer protection matter, then the Executive Director will review the complaint to determine whether such complaint falls within the regulatory authority of the Board. If it does not, then Board office will notify the complainant in writing of such determination, and may offer referral of such matter to an appropriate agency or entity. If after initial review the Executive Director determines that the complaint falls within the regulatory authority of the Board, then Board staff will notify both the complainant and the respondent institution or school of the complaint resolution process to be utilized and applicable timelines. The review and investigation of a complaint shall occur as expeditiously as possible. The parties may be asked to respond in writing to the complaint, to submit to interviews, and to provide additional records, documents, statements, or other collateral information as necessary.

Any request by the investigator for additional information related to such complaint must be provided promptly. The Board's investigator will review the materials submitted by all parties and at the conclusion of the investigation prepare a summary of the allegations, the investigator's findings, and a recommendation for disposition to the Executive Director. If the Executive Director determines that the facts indicate a probable violation of law or rule over which the Board has regulatory authority, then the Executive Director shall issue a written decision on the disposition of such complaint. Within thirty (30) days after a decision is issued a party aggrieved by such decision may file with the Executive Director a request for a hearing. The provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, shall apply to such hearing and to judicial review of such decision. ()

d. If the Board office receives a complaint relating to an institution or school that is exempt from registration under Idaho law or these rules, and such institution or school has not elected to voluntarily register, then such institution or school shall be responsible for reimbursing the Board office for the actual costs incurred to process and act on such complaint. ()

501. -- 999. (RESERVED)

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, and 33-4303, Idaho Code, the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. ()

001. SCOPE.

These rules constitute the requirements for the Opportunity Scholarship Program. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Adult Learner. An individual who: ()

a. Is not currently enrolled in a postsecondary institution accredited by a body recognized by the State Board of Education; ()

b. Has not attended more than two (2) courses at a postsecondary institution at any time during the twenty-four (24) month period immediately prior to application for the Opportunity Scholarship; and ()

c. Has earned twenty-four (24) or more transferable credits from a postsecondary institution accredited by a body recognized by the State Board of Education. ()

02. Grade Point Average (GPA). The average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. ()

03. Graduation Plan. A plan developed by the postsecondary student in consultation with the postsecondary institution that identifies the certificate or degree the student is pursuing, the course and credit requirements necessary for earning the certificate or degree, the application of previously earned credits and credits granted through prior learning assessments, the estimated number of terms remaining to complete the certificate or degree and the proposed courses to be taken during each term. ()

011. -- 100. (RESERVED)

101. ELIGIBILITY.

Applicants must meet all of the eligibility requirements to be considered for the scholarship award. ()

01. Undergraduate Student. An eligible student must be pursuing their first undergraduate certificate or degree from an institution accredited by a body recognized by the State Board of Education. A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. ()

02. Academic Eligibility. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: ()

a. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of two point seven (2.7) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or ()

b. A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or ()

c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of two point seven (2.7) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. ()

d. An Adult Learner must have a minimum cumulative grade point average of two point five (2.5) or

higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. ()

03. Financial Eligibility. Applicants for the opportunity scholarship are selected as recipients, in part, based on demonstrated financial need. The tool used to determine financial need is the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the verified expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the application deadline. ()

04. Additional Eligibility Requirements. ()

a. A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. ()

b. If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: ()

i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an opportunity scholarship; ()

ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or ()

iii. Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. ()

102. -- 201. (RESERVED)

202. APPLICATION PROCESS.

01. Initial Applications. An eligible student must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than the deadline set by the executive director each year if an Adult Learner and not later than March 1 for all other students. Adult Learner applications will be processed and awarded on a monthly basis up to the application deadline. An applicant without electronic capabilities may request a waiver of this requirement and, if granted, submit an application on the form established by the Board through the United States Postal Service that must be postmarked not later than the applicable application deadline. All applicants must complete and submit the FAFSA on or prior to the application deadline. ()

02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than June 1 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcement may be made after this date based on the availability of funds and the acceptance rate of the initial awards. ()

03. Communication with State Officials. Applicants must respond by the date specified to any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the executive director or designee. ()

203. -- 299. (RESERVED)

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: ()

a. Eligible students shall be selected based on ranking criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. ()

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility requirements provided in these rules. ()

02. Monetary Value of the Opportunity Scholarship. ()

a. The Board will establish annually the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the opportunity scholarship program. ()

b. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: ()

i. The amount of the assigned student responsibility, established by the Board annually; ()

ii. The amount of federal grant aid, as identified by the Student Aid Report (SAR) that is known at the time of award determination; ()

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. ()

iv. The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours or its equivalent in an academic year attending an eligible four-year postsecondary institution, or less than eighteen (18) credit hours or its equivalent in an academic year attending an eligible two-year institution, will be prorated as follows: ()

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; ()

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and ()

(3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. ()

c. The amount of an opportunity scholarship award to an individual student shall not exceed the educational cost established by the Board annually, and shall not exceed the actual cost of tuition and fees at the Idaho public postsecondary educational institution the student attends or will attend, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year postsecondary educational institutions. ()

301. OPPORTUNITY SCHOLARSHIP AWARD.

01. Payment. Payment of opportunity scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible Idaho postsecondary educational institution in which the recipient is

enrolled. The official must transmit the payment to the recipient within a reasonable time following receipt of the payment. ()

02. Duration. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship may cover up to four (4) educational years, or eight (8) semesters or equivalent for attendance at an eligible Idaho postsecondary educational institution. Awards are contingent on annual appropriations by the legislature and continued eligibility of the student. ()

03. Eligibility. If a student receives an opportunity scholarship payment and it is later determined that the student did not meet all of the Opportunity Scholarship Program eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible Idaho postsecondary educational institution's refund policy. ()

302. CONTINUING ELIGIBILITY.

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules: ()

01. Credit Hours. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient who has received the Opportunity Scholarship as an Adult Learner may retain eligibility by completing twelve (12) or more credit hours or its equivalent each academic year the student received the Opportunity Scholarship award. All students may use the summer term to meet the annual credit accumulation requirements. ()

02. Satisfactory Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point seven (2.7) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award at the institutions the student attended while receiving the scholarship, and must be maintaining satisfactory academic progress, consistent within federal financial aid regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. Students receiving an Opportunity Scholarship award as an Adult Learner must make satisfactory progress on their graduation plan established with the eligible institution at the time of admission. ()

03. Maximum Duration of Scholarship Award. The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. ()

04. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. ()

303. -- 399. (RESERVED)

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic year. Such statements must include verification that the scholarship recipient is still enrolled, attending part-time, if an Adult Learner, and full-time for all other scholarship recipients, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. ()

02. Other Requirements. An eligible Idaho postsecondary educational institution must: ()

a. Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; ()

b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; ()

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and ()

d. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. ()

03. Adult Learner Evaluation. Upon admission, scholarship recipients receiving an award as an Adult Learner will be administered prior learning assessments to determine eligibility for credit for prior learning, including credit for prior experiential learning. As part of this process an eligible institution will work with the student to develop a graduation plan for the program they are entering that includes estimated completion dates. ()

401. -- 500. (RESERVED)

501. APPEALS.

An opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may file a written appeal of the decision within thirty (30) days following notice of the decision, and the written statement must include the basis for the appeal. Decisions based on specific requirements established in Idaho Code or these rules may not be appealed. The appeal must be submitted to the executive director of the Board. The office of the board shall acknowledge receipt of the appeal within seven (7) days. The executive director of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. ()

01. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the executive director of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ()

02. Subcommittee Recommendations. Following the subcommittee's decision, the executive director of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the executive director of the Board, be permitted to make a presentation to the Board. ()

03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the opportunity scholarship applicant or recipient in writing of the decision of the Board. ()

502. -- 999. (RESERVED)

08.02.01 – RULES GOVERNING ADMINISTRATION

000. LEGAL AUTHORITY.

All rules in IDAPA 08.02.01, “Rules Governing Administration,” are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-116, 33-117, 33-308, 33-320, 33-310B, 33-512, 33-513, 33-905, 33-1279, 33-1403, 33-1405, 33-2004 and Chapter 10, Title 33, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. ()

001. SCOPE.

Uniform and thorough standards and governance by the State Board of Education for the establishment and maintenance of a general, uniform and thorough system of public education. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State St., Room 307, Boise, Idaho 83702. ()

003. -- 006. (RESERVED)

007. WAIVERS.

The State Board of Education may grant a waiver of any rule not required by state or federal law to any school district upon written request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations. ()

008. DEFINITIONS.

01. Course. A unit of instruction that may be determined based on the amount of instructional time or predetermined level of content and course outcomes. ()

02. Virtual Course. A course where instruction is provided in an on-line format and does not necessarily include face-to-face instruction. ()

009. -- 049. (RESERVED)

050. ALTERING SCHOOL DISTRICT BOUNDARIES.

The State Board of Education sets forth the following rules to govern the application and hearing procedures for alteration of school boundaries pursuant to Section 33-308, Idaho Code. A written application from the person or persons requesting alteration of school district boundaries, including the reasons for making the request, will be submitted to the Department of Education. ()

01. Written Statement of Support. A written statement supporting or opposing the proposed alteration will be prepared by each board of trustees no later than ten (10) days following its first regular meeting held following receipt of the written application prepared by the person or persons requesting the alteration. Such request and supporting materials shall be forwarded to the Superintendent of Public Instruction. ()

02. Review of Request. The Superintendent of Public Instruction shall appoint a hearing officer in accordance with State Board of Education Governing Policies and Procedures to review the proposed alteration of boundaries. ()

03. Criteria for Review of Request. The hearing officer shall review the proposed alteration of boundaries taking into account the following criteria: ()

a. Will the alteration as proposed leave a school district with a bonded debt in excess of the limit proscribed by law; ()

b. Is the proposed alteration in the best interests of the children residing in the area described in the petition. In determining the best interests of the children the hearing officer shall consider all relevant factors which may include: ()

i. The safety and distance of the children from the applicable schools; ()

ii. The views of the interested parties as these views pertain to the interests of the children residing in the petition area; ()

- iii. The adjustment of the children to their home and neighborhood environment; and ()
- iv. The suitability of the school(s) and school district which is gaining students in terms of capacity and community support. ()

04. Market Value. The market value, for tax purposes, of the two (2) districts prior to the requested transfer and of the area proposed to be transferred will be provided. ()

05. Decision by State Board Education. The recommendation from the hearing on the matter shall be forwarded to the State Board of Education for decision in accordance with the Board's Governing Policies and Procedures. ()

06. Additional Information. The applicant may submit any additional information which is deemed to be appropriate in assisting the State Board of Education to make the decision. ()

051. -- 149. (RESERVED)

150. DEVIATION FROM STANDARD EMPLOYMENT CONTRACT FORM.
The State Superintendent of Public Instruction has approved a standard employment contract form. Any deviation from this contract form must be approved by the State Superintendent of Public Instruction and reviewed for reapproval once every three (3) years. ()

151. -- 199. (RESERVED)

200. EMERGENCY CLOSURE - TEACHER STRIKE OR WITHHOLDING OF SERVICE.
The State Board of Education does not recognize a teacher strike or the withholding of service as sufficient cause to declare an emergency closure. The primary concern of the State Board of Education is for the instructional program available to students. ()

201. -- 249. (RESERVED)

250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.

01. Day in Session When Counting Pupils in Attendance. ()

a. A school day for grades one through twelve (1-12) may be counted as a "day in session" when the school is in session and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours or its equivalent of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. ()

b. Half-day Session. A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours or its equivalent of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. Students attending less than a half-day in session may have their hours aggregated by week for reporting purposes. ()

02. Day of Attendance - Kindergarten. A day of attendance for a kindergarten pupil is one in which a pupil is under the direction and guidance of a teacher while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten (10) consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half-day increments. Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. ()

03. Day of Attendance (ADA) - Grades One Through Twelve (1-12). A day of attendance is one in which a pupil is under the guidance and direction of a teacher or other authorized school district personnel while school is in session and under the instruction of a teacher employed by the district in which the pupil resides or employed through the Idaho digital learning academy, with the exception as stated in "day in session" above.

Attendance will be reported in full or half-days. ()

04. Full-Time Equivalent (FTE) Enrollment Reporting. ()

a. Full-time equivalent (FTE) enrollment will be based on the courses in which students are reported to be enrolled. To appropriately account for the differences in courses and schedules, FTE will be calculated using the minutes per week metric of the reported courses which is an indicator of the amount of content delivered in the course. ()

b. For each student, the minutes per week of all reported courses will be summed to provide a total course minutes per week, and this number will be used to determine the FTE enrollment of the individual student. The student will generate an FTE enrollment equal to the proportion of the total minutes per week of the reported courses for the student divided by 1200 with a maximum FTE of: ()

i. Kindergarten: 0.5 FTE ()

ii. Grades one (1) to twelve (12): 1.0 FTE ()

c. Students enrolled in more than one (1) LEA will have their FTE enrollment fractionalized between the LEAs in which they are enrolled by dividing the course minutes per week that the student is enrolled at each LEA by the total course minutes per week for the student reported by all LEAs. ()

d. Courses in LEAs with block scheduling that result in students receiving instruction for a period greater than one (1) week will use an average of the course minutes per week over a two-week period as the minutes per week for the course. ()

e. Students enrolled in an alternative summer school or alternative night school program of two hundred twenty-five (225) or more hours of instruction may be counted as an additional zero point two five (0.25) FTE. Alternative summer school enrollment will be included in the October 1 reporting period. ()

f. Students enrolled in an alternative summer school or alternative night school program of less than two hundred twenty-five (225) hours FTE will be determined based on the proportional share of two hundred twenty-five (225) hours the program consists of. ()

g. Students enrolled in more than one (1) LEA in grade seven (7) through grade twelve (12) shall count enrollment at all LEAs for determining eligibility of overload courses identified in Sections 33-4601 and 33-4602, Idaho Code. ()

251. DATA COLLECTION.

LEA's will report the required information for state and federal reporting and decision-making. The reporting will be done in accordance with the requirements established in Chapter 10, Title 33, Idaho Code, or as needed for state and federal purposes. Each LEA is required to verify and assure the accuracy of the data submitted on a timeframe established by the state board of education or its designee. ()

01. State Data System. In accordance with the provisions of Section 33-133, Idaho Code, the following data elements will be added to the state data system: ()

a. Grade Point Average (GPA); and ()

b. Chronic Absenteeism. ()

c. Student address. ()

252. DATA VALIDITY.

01. Responsibility. LEA Administrators are responsible for the accuracy of the data submitted by the LEA. ()

a. Data must be verified and corrected within 30 business days, based on the LEA's calendar, of receiving written notification of issues in submitted data. The timeline for correcting data may be extended if LEA staff are actively working with state longitudinal data system staff to correct the issue. ()

b. Data reported by the LEAs used for funding purposes, including placement on the career ladder, must come through the state longitudinal data system. When discrepancies are identified, it is the responsibility of the LEA to update the submitted data prior to any adjustments being made. Funding will be withheld until such data is corrected. ()

253. UNIQUE EDUCATION IDENTIFIER.

1. **Assignment.** Each student enrolling in an Idaho public LEA or participating in a public educational program will be assigned a unique student identifier. The unique education identifier shall follow the student and will be used by each LEA in which the student is enrolled or participating. The unique student identifier will follow the student into the public postsecondary education. ()

a. LEAs must obtain unique student identifiers by providing the following information for each student: ()

i. Complete legal name, including first, middle, last, and suffix as written on a legal document such as birth certificate, passport, visa, or other such legal document. ()

ii. Date of birth. ()

iii. Gender. ()

b. LEAs may be required to provide any or all of the following additional information to help ensure unique identification such as: ()

i. Prior school attended, if known. ()

ii. Zip code of residence. ()

iii. Race and Ethnicity. ()

iv. Birth parents' first and last name. ()

v. Parents' or guardians' first and last name(s). ()

vii. County of birth. ()

254. -- 299. (RESERVED)

300. FUNDS WITHHELD - LATE SUBMISSION OF RECORDS.

All required records from each LEA will be reported by the required deadlines. If an LEA is delinquent in reporting and is determined to be noncompliant, payment to that LEA will be withheld until such time as the LEA has met its obligation. ()

301. -- 349. (RESERVED)

350. EARLY GRADUATION.

Any high school student who completes the number of credits and exiting standards required by both the state and the school district prior to completing eight (8) semesters of high school work may petition the local superintendent and board of trustees to graduate early. When calculating the aggregate average daily attendance for the educational support program, students graduating from high school prior to the end of the school year will have their ADA for the first semester (second trimester) counted as if they were in attendance during the second semester (third trimester) of

the school year. ()

351. -- 399. (RESERVED)

400. SPECIAL EDUCATION FUNDING FOR DISTRICTS WITH APPROVED PROGRAMS.

01. Reimbursement for Exceptional Child Support Units. State reimbursement provided by exceptional child support units is based on the following formula: ()

a. Preschool students will generate funding based upon the weekly hours and minutes they are enrolled in special education. ()

b. From the fall elementary enrollment of kindergarten through grade six (K-6), subtract elementary residential facility students and multiply the result by six one-hundredths (.06). Add the elementary residential facility students to the product. ()

c. From the fall regular secondary enrollment of grades seven through twelve (7-12), subtract secondary residential facility students and multiply the result by fifty-five one-thousandths (.055). Add the secondary residential facility students to the product. ()

d. Add the juvenile detention facility students to the total. ()

e. Use the exceptional child divisor to determine the number of exceptional child units. Secondary programs with a smaller divisor may use the smaller divisor for their secondary computation. ()

f. Elementary and secondary exceptional child support units will be calculated using one hundred percent (100%) Average Daily Attendance (ADA): the ADA will be subtracted from their respective regular elementary and secondary administrative unit for computing the support unit. ()

02. Contracting for Educational and Related Services.

a. A school district which contracts for special education services with another agency may claim reimbursement up to a maximum amount of state funding, as annually determined by the State Department of Education, less the district's certified annual tuition rate. When any agency contracts for the education of exceptional children, all such children will be enrolled in the district of their residence and the agency will certify to the home school district the daily record of attendance of such student. ()

b. For special education contracts between local school districts, the district receiving service will pay the district providing service the amount of the providing district's local annual tuition rate as certified under the provision of Idaho Code. The school district providing service will include students served within such contract within the total number of special education students used to calculate exceptional education support units. Charges for additional costs may be negotiated between the districts. ()

c. The State Department of Education will determine if public and private schools and facilities meet state standards for an approved special education program. Any agency aggrieved by the Department of Education's final decision may appeal that decision to the State Board of Education. ()

401. -- 449. (RESERVED)

450. REIMBURSEMENT TO DISTRICTS FOR SUBSTITUTE TEACHER COSTS.

The Professional Standards Commission (PSC) is authorized to reimburse the employing district for a classroom teacher member of the PSC for the costs incurred in the employment of a substitute teacher for a member while the member is engaged in PSC business. Such reimbursement may be made for each instance in which a substitute is employed as a replacement for a member beyond six (6) days during a given school year. Reimbursement may be made upon request by the employing district submitted in a manner determined by the PSC. Reimbursement will be based upon the prevailing rate for substitutes in that district. ()

451. -- 499. (RESERVED)

500. SCHOOL DISTRICT BUILDING ACCOUNT (NON-LOTTERY MONEY).

The board of trustees of any school district may apply to the State Board of Education to receive a payment or payments from the School District Building Account as authorized under Section 33-905(3a), Idaho Code. ()

01. Application for Payment. The application for payments from the School District Building Account will include: ()

a. A statement of need; ()

b. A statement of the condition and use of all of the district's existing facilities including the dates of construction and any significant remodeling or additions; ()

c. A history of the district's classroom student/teacher ratios, how these ratios have been affected by a lack of classroom space, and how these ratios would be improved by the project being requested. This statement should include building by building ratios as well as the overall district student/teacher ratio; ()

d. A statement of the district's existing tax levies for school plant facilities and bond interest redemption, along with how these levies relate to the district's levy capacity; ()

e. A statement of the district's market value for assessment purposes as such valuation existed on December 31 of the previous year, as well as other factors, if any, that affect the district's ability to finance school construction; ()

f. A statement of past efforts to levy for the project for which funding is being requested; ()

g. A description of any unique or special circumstances that should be considered in the evaluation of the application; ()

02. Application Deadline. The deadline for submitting applications will be January 30th of each year. ()

03. Eligibility. The State Board of Education will be responsible for determining which school districts receive payments from the School District Building Account. The State Board will: ()

a. Review all applications submitted by the established deadline, taking into consideration the criteria of need, wealth, and effort established in Section 33-905, Idaho Code; ()

b. Require resubmission of an application only when there have been substantial changes in the district which could alter the status of original determination; ()

c. Determine a priority of school districts eligible to receive monies from the School District Building Account. Such priority will be based on a point system. Once established, the priority will be annually reviewed. Unless significant new information has been submitted which impacts the original determination, the priority will not be altered; ()

d. Determine a priority within forty-five (45) days of the application submission deadline; and ()

e. Award to each successful grantee twenty-five percent (25%) of the costs of the approved project. ()

04. Point System for Determining Priority. The point system for determining the priority of eligible districts is based on the following rating and weighted values: ()

a. Need: zero through ten (0-10) points, three and one half (3.5) weighted value for each point

- awarded; ()
- b. Effort: zero through ten (0-10) points, two (2.0) weighted value for each point awarded; ()
 - c. Ability: zero through ten (0-10) points, two (2.0) weighted value for each point awarded; ()
 - d. Past efforts (levies attempted but failed): zero through ten (0-10) points, five tenths (.5) weighted value for each point awarded; ()
 - e. Student/teacher ratio improvement: zero through ten (0-10) points, one (1.0) weighted value for each point awarded; and ()
 - f. Unique/special circumstances zero through ten (0-10) points: one (1.0) weighted value for each point awarded. ()

05. Documentation of Revenue Sources. The school district will, within twelve (12) months of receipt of the approved state portion, submit documentation to the State Board of Education of the approved revenue source or sources that will be used to raise the district's portion. Failure to meet this requirement will result in return of the state grant along with any interest accrued on these monies. ()

501. -- 549. (RESERVED)

550. OUT-OF-STATE TUITION.

01. Annual Agreement. An annual agreement for out-of-state tuition, signed by a local board of trustees and approved by the State Board of Education, may allow students who are residents of an Idaho school district that borders on an adjacent state to attend school in the adjacent state for educational services in kindergarten through grade twelve (K-12). ()

02. State Support Program Allowance. An Idaho school district will be eligible to receive from the state educational support program an amount equal to the cost of the out-of-state tuition contract less the amount of local district contribution times the percentage the average daily attendance (ADA) of tuition students is to the total ADA in the school district. ()

551. -- 599. (RESERVED)

600. REIMBURSEMENT TO DISTRICTS FOR A FEASIBILITY STUDY OF HIGH SCHOOL OR SCHOOL DISTRICT CONSOLIDATION.

01. Application Procedure. Applications for reimbursement will be submitted to the State Superintendent of Public Instruction in narrative form with the following supporting documents: ()

- a. A copy of the feasibility study; ()
- b. A copy of the consolidation plan, when appropriate; ()
- c. A summary of school board deliberations or joint sessions that were held by the participating school boards; ()
- d. A summary of all public hearings held, if any; and ()
- e. An itemized listing of reimbursable costs. ()

02. Reimbursable and Non-Reimbursable Costs. Allowable costs for a feasibility study may include contracts for technical services, and the costs of public hearings, telephone bills, supplies, materials, publications, and travel. The costs of the following items will not qualify for reimbursement: ()

- a. A salary of any person regularly employed part-time or full-time by the school district; ()
- b. Rental of district-owned facilities; ()
- c. Costs incurred more than three (3) years prior to the application. ()

03. Maximum Reimbursement Allowed. The total costs reimbursed will not exceed ten thousand dollars (\$10,000) for each feasibility study. A school district may receive reimbursement for more than one (1) feasibility study, but the aggregate total reimbursement for all studies will not exceed ten thousand dollars (\$10,000) during any consecutive three (3) year period. ()

04. Notification of Approval. Upon verifying applicant school district's fiscal encumbrance for a feasibility study, the State Department of Education will notify the district and include the reimbursement payment in the district's apportionment payment for the year in which the expenses were incurred. ()

601. -- 649. (RESERVED)

650. GENERAL EDUCATION DEVELOPMENT TESTS/IDAHO HIGH SCHOOL EQUIVALENCY CERTIFICATE.

The primary objective of the State Board of Education is to have all students complete their formal education and graduate from high school. However, students who drop out of school and believe it is in their best interest to take the (General Education Development) GED. test may do so under the following conditions and, upon successful completion of all GED requirements, may apply for an Idaho High School Equivalency Certificate (HSEC). ()

01. General Education Development Tests. General Education Development (GED) tests are given by approved testing centers for a statewide fee set by the Idaho Division of Career Technical Education. Candidates must make the minimum score for passing the GED test as established by the GED Testing service. ()

02. Age Criteria. The applicant must satisfy one (1) of the following age criteria: ()

a. The applicant must be at least eighteen (18) years of age; ()

b. The applicant may be sixteen (16) or seventeen (17) years of age and be one (1) year or more behind in credits earned, expelled, recommended by the school, pregnant, or a parent. In such cases, the applicant is eligible if the applicant's school verifies in writing that the student meets one of the above criteria and this verification is on file at the testing center prior to any testing. The school may give its verification only after the applicant and his or her parent or guardian submit in writing a request for the applicant to take the GED tests and the applicant and the applicant's parent or guardian have met with school officials to review and discuss the request. (In cases where the applicant is not living with a parent or guardian, the parent or guardian's verification is not necessary.); ()

c. The applicant may be sixteen (16) or seventeen (17) years of age and be entering college, the military, or an employment training program, enrolled in an Adult Basic Education Program, enrolled in the Job Corps, or incarcerated. In such cases, the applicant is eligible if the institution involved applies in writing for the applicant to take the GED tests and this application is on file at the testing center prior to any testing. ()

03. Proof of Identity. Test takers must present proof of identification that shows legal name, date of birth, signature, address and photograph. Valid drivers' licenses, passports, military, and other forms of government-issued identification are acceptable. Two (2) forms of identification may be provided to meet these criteria. ()

04. Idaho High School Equivalency Certificate. The State Department of Education will issue an Idaho High School Equivalency Certificate (HSEC) to eligible applicants. To be eligible to receive an HSEC, an applicant must submit the following documents to the Division of Career Technical Education: ()

a. An official report of GED test results showing successful completion of all requirements applicable to the version of the GED test taken by the applicant. Test scores are accepted as official only when reported directly

by the State's approved vendor for transcripts and records management, the Transcript Service of the Defense Activity for Non-Traditional Education Support (DANTES), or, in special cases, the GED Testing Service. ()

b. Individuals who took the exam prior to January 1, 2014, must also furnish documentation that they met the American Government requirement of the State of Idaho. This requirement may be met by resident study in high school or college, correspondence study from an accredited university, DANTES, or by successfully passing the American Government test furnished by the testing center. ()

c. A completed form DD295 on all service personnel. This form is not required of veterans and non-veteran adults. ()

d. A copy of a discharge if the applicant is a veteran of military service. ()

651. -- 800. (RESERVED)

801. CONTINUOUS IMPROVEMENT PLANNING AND TRAINING.

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that includes a continuous improvement process focused on improving student performance of the LEA. ()

01. Definitions. ()

a. Administrator. As used in this section administrator means the superintendent of the school district or administrator of a charter school. ()

b. Board. Board means the Idaho State Board of Education. ()

c. Executive Director. Executive Director means the Executive Director of the Idaho State Board of Education. ()

d. Local Education Agency Board. As used in this section local education agency or LEA Board means the board of trustees of a school district or board of directors of a charter school. ()

e. Local Education Agency. As used in this section local education agency (LEA) means public school district or charter school.. ()

f. Continuous Improvement Plan. As used in this section, a continuous improvement plan focuses on annual measurable outcomes and the analysis of data to assess and prioritize needs and measure outcomes. ()

02. Reimbursement Eligibility. LEA's may request reimbursement for training conducted pursuant to Section 33-320, Idaho Code. Such training must be available to local governing board members and school district and charter school administrators. To be eligible for reimbursement the training and trainer must meet the following criteria: ()

a. Training. The training must cover one (1) or more the follow subjects: ()

i. Continuous improvement planning training. Continuous improvement planning training must include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes; ()

ii. School finance; ()

iii. Administrator evaluations, including, but not limited to, specifics on the Idaho state evaluation requirements and framework; ()

iv. Ethics; or ()

- v. Governance. ()
- b. Documentation of Training. Training records shall be kept by the LEA showing: ()
 - i. The length of the training in hours; ()
 - ii. The subject(s) covered by the training; ()
 - iii. The participants included in the training or validation of attendance of specific participants as applicable; and ()
 - iv. The curriculum, agenda, or other documentation detailing the content of the training. ()
- c. Training Format. A majority of the LEA board and the administrator must collaborate on the continuous improvement plan and engage students, parents, educators and the community, as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Sufficient time must be provided during the sessions to give the participants an opportunity to discuss issues specific to the LEA. ()
- d. Trainer Qualifications. The trainer must meet the following qualifications: ()
 - i. May not be a current employee of the LEA; ()
 - ii. Must have two (2) years of documented training experience in the area of training being provided for the LEA; and ()
 - iii. Must provide at least three (3) recommendations from individuals who participated in past training sessions conducted by the trainer. These recommendations must be included with the application to determine the trainer's qualifications. ()
- e. Qualified Trainers. Trainer qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. ()
 - i. An individual or company may submit an application for consideration to be placed on the list of qualified trainers or the LEA may submit the application on behalf of the individual or company. ()
 - ii. Applications must be submitted to the Executive Director in a format established by the Executive Director. ()
 - iii. Trainer qualifications must be determined prior to the LEA's request for reimbursement of training costs. ()
- f. **Eligible Reimbursements.** Up to one thousand (1,000) dollars of travel expenses per training may be reimbursed. Refreshments are not an eligible reimbursement expense. ()
- 03. Audit.** If requested, LEA's must provide training documentation or other information to verify eligibility prior to reimbursement. ()

802. (RESERVED)

803. STATEWIDE AVERAGE CLASS SIZE.

For the purpose of determining the statewide average class size used in school district staff allowance calculations, school districts shall be grouped as follows: ()

01. Group 1. Group 1 shall consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades one (1) through three (3) and twenty-three (23) for grades four (4)

through six (6), and a secondary divisor of eighteen point five (18.5.) ()

02. Group 2. Group 2 will consist of school districts with an elementary divisor, pursuant to Section 33-1004, Idaho Code, of twenty (20) for grades one (1) through three (3) and twenty-three (23) for grades four (4) through six (6), and a secondary divisor less than eighteen point five (18.5.) ()

03. Group 3. Group 3 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of nineteen (19) or twenty (20) for grades one (1) through six (6), and a secondary divisor of less than eighteen point five (18.5.) ()

04. Group 4. Group 4 will consist of school districts with elementary divisors, pursuant to Section 33-1004, Idaho Code, of less than nineteen (19) for grades one (1) through six (6), and a secondary divisor of less than eighteen point five (18.5.) ()

804. -- 999. (RESERVED)

08.02.02 – RULES GOVERNING UNIFORMITY

000. LEGAL AUTHORITY.

All rules in IDAPA 08.02.02, “Rules Governing Uniformity,” are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. ()

001. SCOPE.

Uniform standards and governance by the State Board of Education pertinent to Teacher Certification, School Facilities, Accreditation, Transportation, School Release Time, Driver’s Education and Juvenile Detention Centers. ()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

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

01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on June 9, 2019. Copies of this document can be found on the Office of the State Board of Education website at <https://boardofed.idaho.gov>. ()

02. Standards for Idaho School Buses and Operations as approved on November 15, 2017. 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 <https://boardofed.idaho.gov>. ()

03. Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016. 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 <https://boardofed.idaho.gov>. ()

005. -- 006. (RESERVED)

007. DEFINITIONS.

01. Clinical Experience. Guided, hands-on, practical applications and demonstrations of professional knowledge of theory to practice, skills, and dispositions through collaborative and facilitated learning in field-based assignments, tasks, activities, and assessments across a variety of settings. Clinical experience includes field experience and clinical practice as defined in this section. ()

02. Clinical Practice. Student teaching or internship opportunities that provide candidates with an intensive and extensive culminating field-based set of responsibilities, assignments, tasks, activities, and assessments that demonstrate candidates’ progressive development of the professional knowledge, skills, and dispositions to be effective educators. Clinical practice includes student teaching and internship. ()

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. ()

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. ()

05. Field Experience. Early and ongoing practice opportunities to apply content and pedagogical knowledge in Pre-K-12 settings to progressively develop and demonstrate knowledge, skills, and dispositions. ()

06. Individualized Professional Learning Plan. An individualized professional development plan based on the Idaho framework for teaching evaluation as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. ()

07. Institutional Recommendation. Signed form or written verification from an accredited institution with a state board approved educator preparation program stating that an individual has completed the program, received a basic or higher rating in all components of the approved Idaho framework for teaching evaluation, has an

individualized professional learning plan, has demonstrated the ability to produce measurable student achievement or student success, has the ability to create student learning objectives, and is now being recommended for state certification. Institutional recommendations must include statements of identified competency areas and grade ranges. Institutional Recommendation for administrators must additionally include a competency statement indicating proficiency in conducting accurate evaluations of instructional practice based upon the state's framework for evaluation as outlined in Section 120 of these rules. ()

08. Internship. Full-time or part-time supervised clinical practice experience in Pre-K-12 settings where candidates progressively develop and demonstrate their knowledge, skills, and dispositions. ()

09. Local Education Agency (LEA). An Idaho public school district or charter school pursuant to Section 33-5203(8), Idaho Code. ()

10. Paraprofessional. A noncertificated individual who is employed by a local education agency to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. ()

a. To qualify as a paraprofessional the individual must have a high school diploma or general equivalency diploma (GED) and: ()

i. Demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or ()

ii. Have completed at least two (2) years of study at an accredited postsecondary educational institution; or ()

iii. Obtained an associate degree or higher level degree; demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in. ()

b. Individuals who do not meet these requirements will be considered school or classroom aides. ()

c. Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. ()

11. Pedagogy. Teaching knowledge and skills. ()

12. Portfolio. An organized collection of artifacts that demonstrates an individual's performance, growth, and/or reflection regarding their professional practice, in alignment with the applicable professional standards used for evaluation. ()

13. Practicum. Full-time or part-time supervised, industry-based experience in an area of intended career technical education teaching field to extend understanding of industry standards, career development opportunities, and application of technical skills. ()

14. Semester Credit Hours. Two (2) semester credit hours are equivalent to three (3) quarter credit hours. ()

15. Student Learning Objective (SLO). A measurable, long-term academic growth target that a

teacher sets at the beginning of the year for all student or for subgroups of students. SLOs demonstrate a teacher's impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. ()

16. Student Teaching. Extensive, substantive, and supervised clinical practice in Pre-K-12 schools for candidates preparing to teach. ()

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

18. Teacher Of Record. The teacher who is primarily responsible for planning instruction, delivering or supervising the instruction provided to a class of students, assessing student performance, and designating final grades. ()

008. -- 011. (RESERVED)

012. ACCREDITED INSTITUTION.

For purposes of educator certification, an accredited school, college, university, or other educator training institution is considered by the Idaho State Board of Education to be one that is accredited by a regional accrediting association recognized by the State Board of Education or an alternative or non-traditional model approved by the State Board of Education. ()

013. CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS.

An educator having graduated from a foreign institution educator preparation program shall be considered an out of state applicant for certification purposes and may be issued a nonrenewable, three (3) year interim certificate. The applicant must provide transcripts and/or credentials that have been translated and evaluated by an approved evaluation service. ()

014. CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS.

Idaho certificates may be issued to applicants completing educator preparation programs from regionally accredited institutions recognized by the state board of education meeting requirements for certification or equivalent in other states when they substantially meet the requirements for a standard Idaho educator certificate. ()

015. IDAHO EDUCATOR CREDENTIAL.

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

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

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

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

c. Completed a state board approved educator preparation program and receive an institutional recommendation from the program specifying the grade ranges and subjects for which the applicant is eligible to receive an endorsement in; ()

i. To receive endorsement in two (2) fields of teaching, preparation must consist of completion of at

least thirty (30) semester credit hours, in one (1) field of teaching and completion of at least twenty (20) semester credit hours, in a second field of teaching. ()

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

d. Met or exceeded the state qualifying score on the state board approved content area and pedagogy assessments. ()

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

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

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

ii. An institutional recommendation is required for a School Counselor endorsement. ()

b. School Counselor – Basic Endorsement. ()

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state

educational agency of the state in which the program was completed; and ()

ii. An institutional recommendation from a state board approved program; and ()

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

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

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

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

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

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

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

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

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

iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and competencies in the Idaho Standards for School Principals. ()

v. Receive an institutional recommendation for a School Principal endorsement. ()

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

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

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

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

iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration must include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho standards for superintendents and the Idaho Standards for School Principals. ()

v. Receive an institutional recommendation for a Superintendent endorsement. ()

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

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

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

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

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

v. An institutional recommendation is required for Director of Special Education endorsement. ()

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

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

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

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

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

iv. Completed a total of at least ten (10) undergraduate semester credit hours or six (6) graduate semester credit hours of student teaching; ()

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

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

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

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

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

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

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

(2) Hold a superintendent or principal endorsement on a standard administrator certificate and provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline or successfully complete the Division of Career Technical Education twenty-seven (27) month Idaho career technical education leadership institute. ()

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

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

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

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

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

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

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

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

ii. Standard Occupational Specialist Certificate. ()

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

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

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

05. Postsecondary Specialist Certificate. A Postsecondary Specialist certificate will be granted to a

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

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

b. The candidate must meet the following qualifications: ()

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

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

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

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

07. Junior Reserved Officer Training Corps (Junior ROTC) Instructors. ()

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

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

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

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

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

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

016. IDAHO INTERIM CERTIFICATE.

A three (3) year interim certificate may be issued to applicants who hold a valid certificate or license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or who are engaged in or completed a non-traditional route to teacher certification as prescribed herein. An interim certificate gives the holder

the same rights and responsibilities as an individual with a standard certificate. ()

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

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

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

i. Complete or enroll in a state board approved program; and ()

ii. Pass the state board approved pedagogy and content area assessment. ()

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

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

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

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

a. Two (2) years of successful evaluations as per Section 33-1001, Idaho Code. ()

b. Measured annual progress on specific goals identified on the applicant's Individualized Professional Learning Plan. ()

c. Completion of six (6) credit renewal requirement. ()

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

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

017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.

01. Assessments. State Board of Education approved content, pedagogy and performance area assessments shall be used to ensure qualified teachers are employed in Idaho's classrooms. The Professional

Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval. ()

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

018. -- 020. (RESERVED)

021. ENDORSEMENTS.

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

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

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

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

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

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

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

022. -- 027. (RESERVED)

028. PROFESSIONAL ENDORSEMENTS.

The professional endorsement is required for movement on the professional compensation rung of the career ladder and the advanced professional endorsement is requirement for movement on the advanced professional rung of the career ladder. Eligibility for the professional and advanced professional endorsement pursuant to Section 33-1201A, Idaho Code, may be established by providing additional evidence demonstrating effective teaching for the purpose of determining proficiency and student achievement in the event required standards for the professional endorsement are not met. ()

01. Measurable Student Achievement and Student Success Indicators. Evidence of a majority of the applicable staff person's students meeting measurable student achievement targets, or student success indicator targets, may be demonstrated by the certificated staff member providing evidence that students from an accredited private or out-of-state public school have met targets set by the certificated staff member. The measurable student achievement or student success indicators must be comparable to the measurable student achievement or student success indicator targets established by the hiring school for certificated staff in similar employment areas and similar grade ranges pursuant to Section 33-1001, Idaho Code. ()

02. Validity of Evidence. Evidence provided must show that the certificated staff member met each of the proficiency and student achievement requirements in each year required. ()

03. Evaluation of Evidence. The local education agency administrator shall be responsible for evaluating the evidence provided and determining alignment with the school district or charter schools measurable student achievement and student success indicators and alignment with the Idaho framework for teaching evaluation standards. The reviewing administrator shall sign an affidavit stating the evidence meets the district and state standards for measurable student achievement and student success indicators and performance criteria. The local education agency shall report the equivalent performance criteria rating the certificated staff member received and indicate if any equivalent components were rated as unsatisfactory and the measurable student achievement or student success indicator used with verification that the majority of their students have met the measurable student achievement targets or student success indicators. Targets must be comparable to targets set for like groups of students at the hiring school. The state board of education or state department of education may request to review the evidence provided for determining proficiency and student achievement. ()

029. -- 041. (RESERVED)

042. ALTERNATIVE AUTHORIZATION.

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

01. Alternative Authorization -- Teacher To New Certification. This alternative authorization allows a local education agency to request additional certification for a candidate who already holds a current and valid Idaho certificate in a new certification area. ()

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

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

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

ii. The participating educator preparation program shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. ()

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

a. Initial Qualifications. ()

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

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

b. State Board Approved Educator Preparation Program. ()

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

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

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

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

a. Initial Qualifications. The applicant must complete the following: ()

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

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

b. Educator Preparation Program. ()

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

ii. The candidate must complete a minimum of nine (9) semester credits or equivalent annually to maintain eligibility for renewal. ()

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

iv. The candidate must meet all requirements for the endorsement/certificate as provided herein.

()

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

043. -- 059. (RESERVED)

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

To obtain a new, renew, or reinstate an Idaho Educator Credential, the applicant must submit an application on a form supplied by the State Department of Education or the Division of Career Technical Education as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential. ()

01. State Board of Education Requirements for Professional Development. All certificated personnel must complete at least six (6) semester credit hours or equivalent professional development within the five (5) year validity period of the certificate being renewed. ()

02. Credit. Graduate or undergraduate credit will be accepted for renewal. Credit must be transcribed and completed through a college or university accredited by an entity recognized by the state board of education. ()

a. At least three (3) semester credits shall be taken for postsecondary credit and verified by official or unofficial transcript. Individuals found to have intentionally altered transcripts used for verification, who would have not otherwise met this renewal requirement, will be investigated for violations of the Code of Ethics for Idaho Professional Educators. Any such violations may result in disciplinary action. ()

b. Credits taken for certificate renewal must be related to the individualized professional learning plan or the professional practice of the applicant. ()

i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or ()

ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or ()

iii. Credits must be tied to a specific area of need designated by local education agency administration. ()

iv. Credits must be taken during the validity period of the certificate. ()

c. All requests for equivalent in-service training to apply toward renewal, except occupational specialist certificates, must be approved by the local education agency. Individuals holding Occupational Specialist Certificates must make requests through the Division of Career Technical Education. Applicants must receive approval for in-service training and course work prior to applying for renewal. All in-service training must be aligned with the applicant's individualized professional learning plan or related to professional practice. Fifteen (15) contact hours are equivalent to one (1) semester credit. ()

d. Pupil service staff certificate holders who hold a professional license through the appropriate Idaho state licensing board may use renewal of their professional license toward the renewal of their pupil service staff certificate in lieu of the requirements herein. ()

e. Renewal credits may not be carried over from one (1) renewal period to the next. ()

03. Professional Development Plans. Local education agencies will have professional development

plans. ()

061. -- 075. (RESERVED)

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. ()

01. Aspirations and Commitments. ()

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. ()

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. ()

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. ()

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. ()

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. ()

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. ()

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code. ()

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: ()

a. Committing any act of child abuse, including physical or emotional abuse; ()

b. Committing any act of cruelty to children or any act of child endangerment; ()

c. Committing or soliciting any sexual act from any minor or any student regardless of age; ()

- d. Committing any act of harassment as defined by local education agency policy; ()
 - e. Soliciting, encouraging, or consummating a romantic relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; ()
 - f. Soliciting or encouraging any form of personal relationship with a student that a reasonable educator would view as undermining the professional boundaries necessary to sustain an effective educator-student relationship; ()
 - g. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendos or sexual idiomatic phrases); ()
 - h. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; ()
 - i. Inappropriate contact with any minor or any student regardless of age using electronic or social media; ()
 - j. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; ()
 - k. Conduct that is detrimental to the health or welfare of students; and ()
 - l. Deliberately falsifying information presented to students. ()
- 04. Principle III - Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: ()
- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; ()
 - b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; ()
 - c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; ()
 - d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and ()
 - e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. ()
- 05. Principle IV - Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: ()
- a. Fraudulently altering or preparing materials for licensure or employment; ()
 - b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; ()
 - c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; ()
 - d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; ()

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); ()

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; ()

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; ()

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and ()

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. ()

06. Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: ()

a. Misuse, or unauthorized use, of public or school-related funds or property; ()

b. Failure to account for school funds collected from students, parents, patrons, or other donors from all sources, including online donation platforms; ()

c. Submission of fraudulent requests for reimbursement of expenses or for pay; ()

d. Co-mingling of public or school-related funds in personal bank account(s); ()

e. Use of school property for private financial gain; ()

f. Use of school computers to deliberately view or print pornography; and, ()

g. Deliberate use of poor budgeting or accounting practices. ()

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: ()

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; ()

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; ()

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, ()

d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. ()

e. Keeping for oneself donations, whether money or items, that were solicited or accepted for the benefit of a student, class, classroom, or school. ()

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is

required or permitted by law. Unethical conduct includes, but is not limited to: ()

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and ()

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. ()

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: ()

a. Abandoning any contract for professional services without the prior written release from the contract by the employing local education agency; ()

b. Willfully refusing to perform the services required by a contract; and, ()

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. ()

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: ()

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); ()

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); ()

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and ()

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. ()

11. Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: ()

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; ()

b. Committing any act of harassment toward a colleague; ()

c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; ()

d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; ()

e. Willfully interfering with the free participation of colleagues in professional associations; and ()

f. Taking, possessing, or sharing images (digital, photographic, or video) of colleagues of a harassing, confidential, or sexual nature. ()

077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

- 01. Administrative Complaint.** A document outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. ()
- 02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. ()
- 03. Certificate Denial.** The refusal of the state to grant a certificate. ()
- 04. Certificate Suspension.** A time-certain invalidation of any Idaho certificate. ()
- 05. Conditioned Certificate.** Stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(02), Idaho Code). ()
- 06. Educator.** A person who held, holds, or applies for an Idaho Certificate (Section 33-1201, Idaho Code). ()
- 07. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). ()
- 08. Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review alleged violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and recommend possible disciplinary action. ()
- 09. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. ()
- 10. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. ()
- 11. Investigation.** The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Professional Standards Commission. ()
- 12. No Probable Cause.** A determination by the Executive Committee that there is not sufficient evidence to take action against an educator's certificate. ()
- 13. Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. ()
- 14. Probable Cause.** A determination by the Executive Committee that sufficient evidence exists to issue an administrative complaint. ()
- 15. Reprimand.** A written letter admonishing the Certificate holder for their conduct. ()
- 16. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. ()
- 17. Revocation.** The invalidation of any Certificate held by the educator. ()
- 18. Stipulated Agreement.** A written agreement between the respondent and the Professional

Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms. ()

078. -- 099. (RESERVED)

100. OFFICIAL VEHICLE FOR APPROVING EDUCATOR PREPARATION PROGRAMS.

01. The Official Vehicle for the Approval of Traditional Educator Preparation Programs. Traditional educator preparation programs will be accredited by an accrediting body that approves educator preparation programs and is recognized by the state board of education and meets the approved Idaho Standards for the Initial Certification of Professional School Personnel. The Idaho Standards for the Initial Certification of Professional School Personnel will be posted on the state board of education and state department of education websites. All standards will include an implementation date. ()

02. Non-Traditional Educator Preparation Program. To be considered for approval each non-traditional educator preparation program must include the following components: ()

- a. Assessment of pedagogy and content knowledge; and ()
- b. Alignment to the Idaho Standards for the Initial Certification of Professional School Personnel. ()

03. Reference Availability. The Idaho Standards for the Initial Certification of Professional School Personnel, are available for inspection on the Office of the State Board of Education's website at www.boardofed.idaho.gov. ()

04. Continuing Approval. Approved educator preparation programs will be reviewed for continued approval on a timeline and in a format established by the state board of education. Program reviews will take into consideration the instructional methodology used by the approved program. ()

05. Payment Responsibilities for Educator Preparation Program Reviews. The Professional Standards Commission is responsible for Idaho educator preparation program reviews, including assigning responsibility for paying for program reviews. To implement the reviews, it is necessary that: ()

- a. The Professional Standards Commission pay for all state review team expenses for on-site teacher preparation reviews from its budget. ()
- b. Requesting institutions pay for all other expenses related to on-site educator preparation program reviews, including all standards review. ()

101. -- 109. (RESERVED)

110. PERSONNEL STANDARDS.

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

INSTRUCTIONAL PERSONNEL

TEACHERS	STATE GOALS
Kindergarten	20
Grades 1, 2, 3	20

TEACHERS	STATE GOALS
Grades 4, 5, 6	26
Middle School/Jr. High	160 teacher load
High School	160 teacher load
Alternative School (7-12)	18 average daily class load

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

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

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

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

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

111. BULLYING, HARASSMENT AND INTIMIDATION PREVENTION AND RESPONSE.

01. Dissemination of Information. School districts and charter schools shall make reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students. ()

02. Professional Development. The content of ongoing professional development for school staff related to bullying, harassment and intimidation shall include: ()

- a.** School philosophy regarding school climate and student behavior expectations; ()
- b.** Definitions of bullying, harassment, and intimidation; ()
- c.** School prevention strategies or programs including the identification of materials to be distributed annually to students and parents; ()
- d.** Expectations of staff intervention for bullying, harassment, and intimidation; ()
- e.** School process for responding to bullying, harassment, and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and ()
- f.** Other topics as determined appropriate by the school district or charter school. ()

03. Graduated Consequences. Graduated consequences for a student who commits acts of bullying, ()

harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school board of trustees, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences should be in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. ()

- a. Graduated consequences may include, but are not limited to: ()
 - i. Meeting with the school counselor; ()
 - ii. Meeting with the school principal and student's parents or guardian; ()
 - iii. Detention, suspension or special programs; and ()
 - iv. Expulsion. ()

b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services or to law enforcement, or both, pursuant to Section 18-917A, Idaho Code. ()

c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation. ()

04. Intervention. School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to: ()

- a. Correct the problem behavior; ()
- b. Prevent another occurrence of the problem; ()
- c. Protect and provide support for the victim of the act; and ()
- d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying. ()

05. Reporting. Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting. ()

112. SUICIDE PREVENTION IN SCHOOLS.

As schools offer annual professional development for school staff related to preventing, intervening, and responding to suicide, the content shall include: ()

01. Prevention. School philosophy regarding school climate and the promotion of protective factors; data on suicide for the region or state, or both; risk and protective factors for students; suicide myths and facts; and how to develop community partnerships. ()

02. Intervention. How to utilize safe and appropriate language and messaging when addressing students; warning signs of suicide ideation for students; local and school-based protocols for aiding a suicidal individual; local protocols for seeking help for self and students; identification of appropriate mental health services and community resources for referring students and their families; information about state statutes on responsibility, liability, and duty to warn; confidentiality issues; and the need to ask others directly if they are suicidal. ()

- 03. Postvention.** Evidence-based protocol for responding to a student/staff suicide. ()

113. -- 119. (RESERVED)

120. LOCAL DISTRICT EVALUATION POLICY -- INSTRUCTIONAL STAFF AND PUPIL SERVICE STAFF CERTIFICATE HOLDERS.

Each school district board of trustees will develop and adopt policies for certified staff performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based. For pupil service staff, those standards shall be aligned with the profession's national standards. For instructional staff, those standards shall be aligned to the state evaluation framework, Charlotte Danielson Framework for Teaching Second Edition, domains and components specified in Subsection 120.01 of this rule, and must be determined based on professional practice. For all certification personnel, domain or component ratings, or both, may be weighted based on the individual's individualized professional learning plan. If weighting the summative evaluation toward only two or three of the domains, the evaluation must indicate how this aligns with the individualized professional learning plan. The summative evaluation rating must be based on a combination of professional practice and student achievement as specified in Subsections 120.02 and 120.03. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. ()

01. Standards. Each district evaluation model shall be aligned to state evaluation framework minimum standards that are based on Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. Those domains and components include: ()

- a. Domain 1 - Planning and Preparation:** ()
 - i. Demonstrating Knowledge of Content and Pedagogy; ()
 - ii. Demonstrating Knowledge of Students; ()
 - iii. Setting Instructional Outcomes; ()
 - iv. Demonstrating Knowledge of Resources; ()
 - v. Designing Coherent Instruction; and ()
 - vi. Designing Student Assessments. ()
- b. Domain 2 - The Classroom Environment:** ()
 - i. Creating an Environment of Respect and Rapport; ()
 - ii. Establishing a Culture for Learning; ()
 - iii. Managing Classroom Procedures; ()
 - iv. Managing Student Behavior; and ()
 - v. Organizing Physical Space. ()
- c. Domain 3 - Instruction and Use of Assessment:** ()
 - i. Communicating with Students; ()
 - ii. Using Questioning and Discussion Techniques; ()
 - iii. Engaging Students in Learning; ()

- iv. Using Assessment in Instruction; and ()
- v. Demonstrating Flexibility and Responsiveness. ()
- d.** Domain 4 - Professional Responsibilities: ()
 - i. Reflecting on Teaching; ()
 - ii. Maintaining Accurate Records; ()
 - iii. Communicating with Families; ()
 - iv. Participating in a Professional Community; ()
 - v. Growing and Developing Professionally; and ()
 - vi. Showing Professionalism. ()

02. Professional Practice. All certificated instructional employees must receive an evaluation in which at least a majority of the evaluation ratings must be based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the state evaluation framework domains and components. Professional Practice shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. In situations where certificated personnel are unavailable for two (2) documented classroom observations, due to situations such as long-term illness, late year hire, etc., one (1) documented classroom observation is acceptable. At least one (1) documented summative evaluation must include a rating for all components within each domain or indicate how the evaluation is weighted toward specific domains and aligned to the individualized professional learning plan of the applicable professional standards used for evaluation of certified personnel. In addition to the domains and components of the state evaluation framework, district evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of each certificated instructional employee evaluations: ()

- a.** Parent/guardian input; ()
- b.** Student input; and/or ()
- c.** Portfolios. ()

03. Student Achievement. Instructional staff summative evaluation ratings must in part be based on measurable student achievement, as defined in Section 33-1001, Idaho Code, as applicable to the subjects and grade ranges taught by the instructional staff. All other certificated staff evaluations must include measurable student achievement or student success indicators, as defined in Section 33-1001, Idaho Code, as applicable to the position. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) year or both years' data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. ()

04. Participants. Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code. Evaluations shall be differentiated for certificated non-instructional employees and Pupil Service Staff Certificate holders in a way that aligns with the state evaluation framework to the extent possible and aligned to the pupil service staff's applicable national standards. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. ()

05. Evaluation Policy – Content. Local school district policies will include, at a minimum, the following information: ()

- a.** Evaluation criteria -- statements of the criteria upon which certificated personnel will be evaluated

and rated. ()

b. Evaluator -- identification of the individuals responsible for observing or evaluating certificated instructional staff and pupil service staff performance. The individuals assigned this responsibility shall have received training in conducting evaluations based on the statewide framework for evaluations within the immediate previous five (5) years of conducting any evaluations. ()

c. Communication of results -- the method by which certificated personnel are informed of the results of evaluation. ()

d. Personnel actions -- the action available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. ()

e. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. ()

f. Individualizing teacher evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time and be used to develop individualized professional learning plans. Districts shall have an individualized teacher evaluation rating system with a minimum of three (3) ratings used to differentiate performance of teachers and Pupil Service Staff Certificate holders including: ()

i. Unsatisfactory being equal to "1"; ()

ii. Basic being equal to "2"; and ()

iii. Proficient being equal to "3". ()

iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum ratings at the discretion of the school district or charter school. ()

g. A plan for including all stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their teacher evaluation plan. ()

06. Evaluation Policy – Frequency of Evaluation. The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. ()

07. Evaluation Policy - Personnel Records. Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the ratings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation ratings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. ()

08. Evaluation System Approval. Each school district board of trustees will develop and adopt policies for teacher and Pupil Service Staff certificated performance evaluation in which criteria and procedures for the evaluation are research based and aligned with the state evaluation framework and national standards for pupil service staff as applicable. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. ()

121. LOCAL DISTRICT EVALUATION POLICY – SCHOOL ADMINISTRATOR.

All school and school district administrators must receive an annual evaluation. Individuals serving in the role of

superintendent or its equivalent shall be evaluated by the local board of trustees. Individuals serving in the capacity of a school district superintendent shall be evaluated based on the school district evaluation policy for superintendents. For principal and other school level administrator evaluations, each school district board of trustees will develop and adopt policies for performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal or other school level administrators are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. For Special Education Directors, standards aligned with the profession's national standards may replace those outlined in Subsection 121.01. The process of developing criteria and procedures for administrator evaluations will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written.

()

01. Standards. Each district principal and school level administrator evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state's framework for evaluations, the state evaluation framework. Proof of training in evaluating teacher performance shall be required of all individuals assigned the responsibility for observing or evaluating certificated personnel performance. Principal evaluation standards shall additionally address the following domains and components:

()

a. Domain 1: School Climate - An educational leader promotes the success of all students by advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional development. An educational leader articulates and promotes high expectations for teaching and learning while responding to diverse community interest and needs.

()

i. School Culture - Principal establishes a safe, collaborative, and supportive culture ensuring all students are successfully prepared to meet the requirements for tomorrow's careers and life endeavors.

()

ii. Communication - Principal is proactive in communicating the vision and goals of the school or district, the plans for the future, and the successes and challenges to all stakeholders.

()

iii. Advocacy - Principal advocates for education, the district and school, teachers, parents, and students that engenders school support and involvement.

()

b. Domain 2: Collaborative Leadership - An educational leader promotes the success of all students by ensuring management of the organization, operations and resources for a safe, efficient and effective learning environment. In collaboration with others, uses appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs. The educational leader uses research and/or best practices in improving the education program.

()

i. Shared Leadership - Principal fosters shared leadership that takes advantage of individual expertise, strengths, and talents, and cultivates professional growth.

()

ii. Priority Management - Principal organizes time and delegates responsibilities to balance administrative/managerial, educational, and community leadership priorities.

()

iii. Transparency - Principal seeks input from stakeholders and takes all perspectives into consideration when making decisions.

()

iv. Leadership Renewal - Principal strives to continuously improve leadership skills through, professional development, self-reflection, and utilization of input from others.

()

v. Accountability - Principal establishes high standards for professional, legal, ethical, and fiscal accountability for self and others.

()

c. Domain 3: Instructional Leadership - An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The educational leader provides leadership for major initiatives and change

efforts and uses research and/or best practices in improving the education program. ()

i. Innovation - Principal seeks and implements innovative and effective solutions that comply with general and special education law. ()

ii. Instructional Vision - Principal insures that instruction is guided by a shared, research-based instructional vision that articulates what students do to effectively learn. ()

iii. High Expectations - Principal sets high expectation for all students academically, behaviorally, and in all aspects of student well-being. ()

iv. Continuous Improvement of Instruction - Principal has proof of proficiency in assessing teacher performance based upon the state evaluation framework. Aligns resources, policies, and procedures toward continuous improvement of instructional practice guided by the instructional vision. ()

v. Evaluation - Principal uses teacher/principal evaluation and other formative feedback mechanisms to continuously improve teacher/principal effectiveness. ()

vi. Recruitment and Retention -Principal recruits and maintains a high quality staff. ()

02. Professional Practice. All principals must receive an evaluation in which a majority of the summative evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Domains and Components listed in Subsection 121.01.a. through 121.01.c. of this rule. As a measure to inform the Professional Practice portion of each evaluation, district evaluation models shall also include at least one (1) of the following: ()

a. Parent/guardian input; ()

b. Teacher input; ()

c. Student input; and/or ()

d. Portfolios. ()

03. Student Achievement. All administrators must receive an evaluation in which part of the summative evaluation results are based in part on objective measures of growth in measurable student achievement, as defined in Section 33-1001, Idaho Code. This portion of the evaluation may be calculated using current and/or the immediate past year's data and may use one (1) or both years data. Growth in student achievement may be considered as an optional measure for all other school based and district based administrators, as determined by the local board of trustees. ()

04. Evaluation Policy - Content. For evaluations conducted on or after July 1, 2014, local school district policies will include, at a minimum, the following information: ()

a. Evaluation criteria -- statements of the criteria upon which administrators will be evaluated. ()

b. Evaluator -- identification of the individuals responsible for observing or evaluating school level administrator performance. The individuals assigned this responsibility shall have received training in administrator evaluations based on the statewide framework for evaluations. ()

c. Communication of results -- the method by which principals are informed of the results of evaluation. ()

d. Personnel actions -- the action, available to the school district as a result of the evaluation, and the procedures for implementing these actions; e.g., job status change. ()

e. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of an evaluations. ()

f. Individualizing principal evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. Districts shall have an individualized principal evaluation rating system with a minimum of three ratings used to differentiate performance of principals including: ()

i. Unsatisfactory being equal to "1"; ()

ii. Basic being equal to "2"; and ()

iii. Proficient being equal to "3". ()

iv. A fourth evaluation rating of Distinguished, being equal to "4," may be used in addition to the three (3) minimum ratings at the discretion of the school district or charter school. ()

g. A plan for including stakeholders including, but not limited to, teachers, board members, administrators, and parents in the development and ongoing review of their principal evaluation plan. ()

05. Evaluation Policy - Frequency of Evaluation. The evaluation policy should include a provision for evaluating all administrators on a fair and consistent basis. All administrators shall be evaluated at least once annually no later than June 1 of each year. ()

06. Evaluation Policy - Personnel Records. Permanent records of each principal evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the ratings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation ratings in local school districts in accordance with the approved policies of the Idaho State Board of Education Data Management Council. ()

07. Evaluation System Approval. Each school district board of trustees will develop and adopt policies for principal performance evaluation in which criteria and procedures for the evaluation are research based and aligned with state standards. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. ()

122. -- 129. (RESERVED)

130. SCHOOL FACILITIES.

Each school facility consists of the site, buildings, equipment, services, and is a critical factor in carrying out educational programs. The focus of concern in each school facility is the provision of a variety of instructional activities and programs, with the health and safety of all persons essential. ()

01. Buildings. All school buildings, including portable or temporary buildings, will be designed and built in conformance with the current edition of the codes specified in the Idaho Building Code Act, Section 39-4109, Idaho Code, including, the National Electrical Code, Uniform Plumbing Code, and Idaho General Safety and Health Standards. All school buildings, including portable or temporary buildings, will meet other more stringent requirements established in applicable local building codes. ()

02. Inspection of Buildings. All school buildings, including portable or temporary buildings, will be inspected as provided in Section 39-4130, Idaho Code, for compliance with applicable codes. Following this inspection, the school district will, within twenty (20) days, (1) correct any deficiencies specified in the inspection report or (2), if the corrective action involves structural modification, file a written plan with the inspecting agency for correction by the beginning of the following school year. ()

131. -- 139. (RESERVED)

140. ACCREDITATION.

01. Requirement. Accreditation is voluntary for elementary schools, grades K-8, and alternative schools not identified in Subsection 140.02.a. through 140.012.e. of this rule. ()

02. Alternative Schools. An alternative school serving any grade(s) 9-12 that meets any three (3) of the criteria in Subsections 140.02.a. through 140.02.e. of this rule, shall be required to be accredited. An alternative school that does not meet three (3) of the following criteria in Subsections 140.02.a. through 140.02.e. is considered as an alternative program by the district board of trustees and shall be included in the accreditation process and reporting of another secondary school within the district for the purposes of meeting the intent of this rule. ()

a. School has an Average Daily Attendance greater than or equal to 36 students based on previous year's enrollment; ()

b. School enrolls any students full-time for the school year once eligibility determination is made as opposed to schools that enroll students for "make-up" or short periods of time; ()

c. School offers an instructional model that is different than that provided by the traditional high school within the district for a majority of the coursework, including but not limited to online/virtual curriculum; ()

d. School administers diplomas that come from that alternative school as opposed to students receiving a diploma from the traditional high school within the school district; or ()

e. School receives its own accountability rating for federal reporting purposes. ()

03. Standards. Schools will meet the accreditation standards of an accrediting body recognized by the state board of education. ()

04. Residential Schools. In addition to the academic standards, residential schools must meet the applicable health and safety standards established pursuant to Section 39-1210, Idaho Code, to be considered fully accredited by the State Board of Education. ()

05. Reporting. An annual accreditation report will be submitted to the State Board of Education identifying each accredited school and school district in the state and the status of their accreditation. ()

141. -- 149. (RESERVED)

150. TRANSPORTATION.

Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as incorporated in Section 004 of these rules and as authorized in Section 33-1511, Idaho Code. ()

151. -- 159. (RESERVED)

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. Certain equipment or parts of a school bus that are critical to its safe operation must be maintained at prescribed standards. When routine maintenance checks reveal any unsafe condition identified in the Standards for Idaho School Buses and Operations as incorporated in Section 004 of these rules the school district will eliminate the deficiency before returning the vehicle to service. ()

02. Annual Inspection. After completion of the annual school bus inspection, and if the school bus is approved for operation, an annual inspection sticker, indicating the year and month of inspection, will be placed in the lower, right-hand corner of the right side front windshield. The date indicated on the inspection sticker shall correlate

to State Department of Education's annual school bus inspection certification report signed by pupil transportation maintenance personnel and countersigned by the district superintendent. (Section 33-1506, Idaho Code) ()

03. Sixty-Day Inspections. At intervals of not more than sixty (60) calendar days, excluding documented out-of-use periods in excess of thirty (30) days, the board of trustees shall cause inspection to be made of each school bus operating under the authority of the board. Except that, no bus with a documented out-of-use period in excess of sixty (60) days shall be returned to service without first completing a documented sixty (60) day inspection. Annual inspections are considered dual purpose and also meet the sixty (60) day inspection requirement. (Section 33-1506, Idaho Code) ()

04. Documentation of Inspection. All inspections will be documented in writing. Annual inspections must be documented in writing on the form provided by the State Department of Education. ()

05. Unsafe Vehicle. When a bus has been removed from service during a State Department of Education inspection due to an unsafe condition, the district will notify the State Department of Education on the appropriate form before the bus can be returned to service. When a bus has been found to have deficiencies that are not life-threatening, it will be repaired within thirty (30) days and the State Department of Education notified on the appropriate form. If the deficiencies cannot be repaired within thirty (30) days, the bus must be removed from service until the deficiencies have been corrected or an extension granted. ()

06. Withdraw from Service Authority. Subsequent to any federal, national, or state advisory with good cause given therefor, the district shall, under the direction of the State Department of Education, withdraw from service any bus determined to be deficient in any prescribed school bus construction standard intended to safeguard life or minimize injury. No bus withdrawn from service under the provisions of this section shall be returned to service or used to transport students unless the district submits to the State Department of Education a certification of compliance specific to the school bus construction standard in question. (Section 33-1506, Idaho Code) ()

161. -- 169. (RESERVED)

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as incorporated in Section 004 of these rules. ()

171. -- 179. (RESERVED)

180. WRITTEN POLICY.

The board of trustees will establish and adopt a set of written policies governing the pupil transportation system. Each school district that provides activity bus transportation for pupils shall have comprehensive policies and guidelines regarding activity transportation. ()

181. -- 189. (RESERVED)

190. PROGRAM OPERATIONS.

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, program support and district waiver procedures shall be delineated in Standards for Idaho School Buses and Operations incorporated in Section 004 of these rules. Approved school activities shall include structured college/university visits when such visits are part of the school district college and career advising and mentoring plan. ()

191. -- 219. (RESERVED)

220. RELEASE TIME PROGRAM FOR ELEMENTARY AND SECONDARY SCHOOLS.

In the view of the State Board of Education, public elementary and secondary school programs that permit the practice of releasing students from school for the purpose of attending classes in religious education or for other

purposes should observe certain practices that are in keeping with the present state of the law. These practices are designed to ensure that the public school operation is not adversely affected and that public funds and property are not used for sectarian religious instruction in a way which violates the United States Constitution, the Idaho State Constitution, or state law. These practices should include the following: ()

01. Scheduling. The local school board will have reasonable discretion over the scheduling and timing of the release program. Release time programs may not interfere with the scheduling of classes, activities and programs of the public schools. ()

02. Voluntary Decision. The decision of a school district to permit release time programs for kindergarten through grade eight (K-8), as well as the decision of individual students to participate, must be purely voluntary. ()

03. Time Limit. Release time will be scheduled upon the application of a parent or guardian of a student in grades nine through twelve (9-12), not to exceed five (5) periods per week or one hundred sixty-five (165) hours during any one (1) academic school year. ()

04. Location. Release time programs will be conducted away from public school buildings and public school property. ()

05. Request by Parent. No student will be permitted to leave the school grounds during the school day to attend release time programs except upon written request from a parent or guardian filed with the school principal. Such written request by the parent will become a part of the student's permanent record. ()

06. Record Maintenance. The public school will not be responsible for maintaining attendance records for a student who, upon written request of a parent or guardian, is given permission to leave the school grounds to attend a release time program. The school district will maintain a record of each student's daily schedule that indicates when a student is released for classes in religious education or for other purposes. ()

07. Liability. The school district is responsible for ensuring that no public school property, public funds or other public resources are used in any way to operate these programs. The school district is not liable for any injury, act or event occurring while the student participates in such programs. ()

08. Course Credit. No credit will be awarded by the school or district for satisfactory completion by a student of a course or courses in release time for religious instruction. Credit may be granted for other purposes, at the discretion of the local school board. ()

09. Separation From Public Schools. Public schools will not include schedules of classes for release time programs in school catalogs, registration forms or any other regularly printed public school material. Registration for release time programs must occur off school premises, and must be done on forms and supplies furnished by the group or institution offering the program. Teachers of release time programs are not to be considered members of any public school faculty and should not be asked to participate as faculty members in any school functions or to assume responsibilities for operation of any part of the public school program. ()

10. Transportation Liability. Public schools and school districts will not be liable or responsible for the health, safety and welfare of students while they are being transported to and from or participating in release time programs. ()

221. -- 229. (RESERVED)

230. DRIVER EDUCATION. Public Schools. Pursuant to Section 004 of these rules, all public driver education courses offered in Idaho public schools must be conducted in compliance with all the requirements in the Operating Procedures for Idaho Public Driver Education Programs, as incorporated. ()

231. -- 239. (RESERVED)

240. JUVENILE DETENTION CENTERS.

01. Instructional Program. Every public school district in the state within which is located a public or private detention facility housing juvenile offenders pursuant to court order will provide an instructional program. The instructional program will: ()

a. Provide course work that meets the minimum requirements of Idaho State Board of Education Rules. ()

b. Provide instruction in core subject areas. ()

c. Include the following components, where appropriate: self-concept improvement, social adjustment, physical fitness/personal health, vocational/occupational, adult living skills, and counseling. ()

d. Provide instruction and guidance that may lead to a high school diploma. School districts will accept such instruction for purposes of issuing credit when the detention center certifies to the school that the appropriate work is completed. ()

e. Be directed by an instructor who holds an appropriate, valid certificate. ()

f. Be provided to each student not later than two (2) school days after admission and continue until the student is released from the detention center. ()

g. Be provided to students who have attained "school age" as defined in Idaho Code 33-201. ()

h. Be provided for a minimum of four (4) hours during each school day. ()

i. Be based on the needs and abilities of each student. The resident school district will provide pertinent status information as requested by the Juvenile Detention Center. ()

j. Be coordinated with the instructional program at the school the student attends, where appropriate. ()

k. Be provided in a facility that is adequate for instruction and study. ()

02. State Funding of Instructional Programs at Juvenile Detention Centers. ()

a. Every student housed in a juvenile detention center pursuant to court order and participating in an instructional program provided by a public school district will be counted as an exceptional child by the district for purposes of state reimbursement. ()

b. Public school districts that educate pupils placed by Idaho court order in juvenile detention centers will be eligible for an allowance equivalent to the previous year's certified local annual tuition rate per pupil. The district allowance will be in addition to support unit funding and included in the district apportionment payment. ()

c. To qualify for state funding of instructional programs at Juvenile Detention Centers, school districts must apply for such funding on forms provided by the State Department of Education. Applications are subject to the review and approval of the State Superintendent of Public Instruction. School districts will submit attendance and enrollment reports as required by the State Superintendent of Public Instruction. Juvenile Detention Centers will submit reports to the local school district as required. ()

241. -- 999. (RESERVED)

08.02.03 – RULES GOVERNING THOROUGHNESS

000. LEGAL AUTHORITY.

All rules in this Thoroughness chapter (IDAPA 08.02.03) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under sections 33-116, 33-118, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. ()

001. SCOPE.

These rules govern the thorough education of all public school students in Idaho. ()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: ()

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 <https://boardofed.idaho.gov>. ()

- a. Arts and Humanities Categories: ()
 - i. Dance, as revised and adopted on August 11, 2016; ()
 - ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; ()
 - iii. Media Arts, as adopted on August 11, 2016. ()
 - iv. Music, as revised and adopted on August 11, 2016; ()
 - v. Theater, as revised and adopted on August 11, 2016; ()
 - vi. Visual Arts, as revised and adopted on August 11, 2016; ()
 - vii. World languages, as revised and adopted on August 11, 2016. ()
- b. Computer Science, adopted on November 28, 2016. ()
- c. Driver Education, as revised and adopted on August 10, 2017. ()
- d. English Language Arts/Literacy, as revised and adopted on November 28, 2016. ()
- e. Health, as revised and adopted on August 11, 2016. ()
- f. Information and Communication Technology, as revised and adopted on August 10, 2017. ()
- g. Limited English Proficiency, as revised and adopted on August 21, 2008. ()
- h. Mathematics, as revised and adopted on August 11, 2016. ()
- i. Physical Education, as revised and adopted on August 11, 2016. ()
- j. Science, as revised and adopted on August 10, 2017. ()
- k. Social Studies, as revised and adopted on November 28, 2016. ()
- l. College and Career Readiness Competencies adopted on June 15, 2017. ()

02. The English Language Development (ELD) Standards. The WIDA 2020 English Language Development (ELD) Standards statements as adopted by the State Board of Education on August 26, 2021. Copies of the document can be found at <https://wida.wisc.edu>. ()

03. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ()

04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors. Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ()

05. The Idaho Content Standards Core Content Connectors. The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. ()

a. English Language Arts, as adopted by the State Board of Education on August 10, 2017. ()

b. Mathematics, as adopted by the State Board of Education on August 10, 2017. ()

c. Science, as adopted by the State Board of Education on June 19, 2019. ()

06. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ()

07. 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 <https://boardofed.idaho.gov>. ()

08. 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 <https://boardofed.idaho.gov>. ()

09. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on October 17, 2018. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. ()

005. -- 006. (RESERVED)

007. DEFINITIONS.

01. Achievement Standards. Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and level one (1) through level six (6) on Idaho’s English language assessment by setting scale score cut points. These cut scores are 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. ()

02. Advanced Opportunities. Placement courses, Dual Credit courses, Technical Competency Credit, or International Baccalaureate programs. ()

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. ()

04. All Students. All public school students, grades K-12. ()

05. Assessment. The process of quantifying, describing, or gathering information about skills, knowledge or performance. ()

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

008. – 101. (RESERVED)

102. INSTRUCTIONAL REQUIREMENTS.

01. Instruction and Programs. All schools will deliver a core of instruction and advisement programs (see Section 108, Guidance Programs) for each student in elementary schools, middle schools/junior high and high schools. ()

02. Standards. All students will meet standards established locally (at a minimum, the standards of the state) through rigorous accountability, which includes challenging examinations, demonstrations of achievement, and other appropriate tests and measures. ()

103. INSTRUCTION GRADES 1-12.

01. Instruction. Instruction is inclusive of subject matter, content and course offerings. Patterns of instructional organization are a local school district option. Schools will assure students meet locally developed standards with the state standards as a minimum. This includes special instruction that allows limited English proficient students to participate successfully in all aspects of the school's curriculum and keep up with other students in the regular education program. It also includes special learning opportunities for accelerated, learning disabled students and students with other disabilities. ()

02. Instructional Courses. At appropriate grade levels, instruction will include but not be limited to the following: ()

a. Language Arts and Communication will include instruction in reading, writing, English, literature, technological applications, spelling, speech and listening, and, in elementary schools, cursive writing. ()

b. Mathematics will include instruction in addition, subtraction, multiplication, division, percentages, mathematical reasoning and probability. ()

c. Science will include instruction in applied sciences, earth and space sciences, physical sciences, life sciences, and computer science. ()

d. Social Studies will include instruction in history, government, geography, economics, current world affairs, citizenship, and sociology. ()

104. OTHER REQUIRED INSTRUCTION.

Other required instruction for all students and other required offerings of the school are: ()

01. Elementary Schools. ()

a. The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)
Health (wellness)
Physical Education (fitness) ()

b. Additional instructional options as determined by the local school district. For example:

Languages other than English
Career Awareness ()

02. Middle Schools/Junior High Schools. ()

a. No later than the end of Grade eight (8) each student shall develop parent-approved student *career pathway* plans for their high school and post-high school options. The *career pathway* plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student *career pathway* plan is to outline a course of study and learning activities for students to become contributing members of society. A student *career pathway* plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the state and school district's or LEA's graduation standards in preparation for postsecondary goals. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the *career pathway* plan. A *career pathway* plan will not be required if the parent or guardian requests, in writing, that no *career pathway* plan be developed. ()

b. A student must have met the grade eight (8) mathematics standards before the student will be permitted to enter grade nine (9). ()

c. Other required instruction for all middle school students:

Career exploration
Health (wellness)
Physical Education (fitness) ()

d. Other required offerings of the school:

Fine and Performing Arts
Career Technical Education
Advisory Period (middle school only, encouraged in junior high school) ()

03. High Schools. ()

a. High schools must offer a wide variety of courses to satisfy state and local graduation requirements. High schools are required to provide instructional offerings in Physical Education (fitness) and Career Technical Education and the instruction necessary to assure students are college and career ready at the time of graduation. ()

b. High schools will annually review and update with the student the student *career pathway* plans specified in Subsection 104.02.a. ()

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. ()

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

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

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

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. ()

d. Mathematics. Six (6) credits are required. Secondary mathematics includes Integrated Mathematics, Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and quantitative reasoning including mathematics taken through career technical education programs. Dual credit engineering and computer science courses aligned to the state standards for grades nine (9) through (12), including AP Computer Science and dual credit computer Science courses may also be counted as a mathematics credit. Students who choose to take computer science and dual credit engineering courses may not concurrently count such courses as both a mathematics and science credit for the same course. ()

i. Students must complete secondary mathematics in the following areas: ()

(1) Two (2) credits of Algebra I, Algebra I level equivalent Integrated Mathematics or courses that meet the High School Algebra Content Standards; ()

(2) Two (2) credits of Geometry, Geometry level equivalent Integrated Mathematics, or courses that meet the Idaho High School Geometry Content Standards; and ()

(3) Two (2) credits of mathematics of the student's choice. ()

ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than

mathematics are not required to retake a mathematics course as long as they have earned six (6) credits of high school level mathematics. ()

iii. Students who have completed six (6) or more high school credits of mathematics 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 mathematics during their last year of high school. High School mathematics credits completed in middle school shall count for the purposes of this section. ()

iv. Students who earn eight (8) or more high school credits of mathematics that include Algebra II or higher level of mathematics class before the student's senior year are not required to take mathematics during their last year of high school. High school mathematics credits earned in middle school shall count for the purposes of this section. ()

e. Science. Six (6) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, life sciences, and computer science. ()

i. Secondary sciences include instruction in the following areas: biology, computer science, physical science or chemistry, and earth, space, environment, or approved applied science. ()

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. ()

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Interdisciplinary Humanities Content Standards. ()

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. ()

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the Physical Education Content Standards in a format provided by the school district. ()

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. ()

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

04. Civics and Government Proficiency. Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards.

Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. ()

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

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

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

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

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

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

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

106. ADVANCED OPPORTUNITIES.

01. Advanced Opportunities Requirement. All high schools in Idaho shall be required to provide Advanced Opportunities, or provide opportunities for students to take courses at the postsecondary campus. ()

02. Advanced Opportunities Early Graduation Scholarship Funding. ()

a. Scholarship Calculation. ()

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

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

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

b. Payments to Idaho Colleges and Universities. ()

i. Annual scholarship payments will be made in one (1) installment during the first semester in which the student is enrolled, regardless of the number of years early the student graduated. Proof of enrollment in an Idaho public college or university must be obtained before any scholarship payment is made. ()

ii. The State Department of Education will be responsible for making payments to the Idaho public colleges and universities attended by eligible students. The payments must be made no later than August 30 for the fall semester and January 30 for the spring semester. ()

c. Payments to Public Schools. ()

i. Public schools shall report to the State Department of Education, no later than June 15 of each school year, students who have graduated early. ()

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

107. MIDDLE LEVEL CREDIT SYSTEM.

A school district or LEA must implement a credit system no later than grade seven (7) that includes components that address the credit requirements, credit recovery, alternate mechanisms and attendance. The LEA may establish credit requirements beyond the state minimum. ()

01. Credit Requirements. Each LEA credit system shall require a student to attain a portion of the total credits attempted in each area in which credits are attempted except for areas in which instruction is less than a school year before the student will be eligible for promotion to the next grade level. ()

02. Credit Recovery. A student who does not meet the minimum requirements of the credit system shall be given an opportunity to recover credits or complete an alternate mechanism in order to become eligible for promotion to next grade level. ()

03. Alternate Mechanism. An LEA may establish an alternate mechanism to determine eligibility for grade level promotion. The alternate mechanism shall require a student to demonstrate proficiency of the appropriate content standards. All locally established mechanisms used to demonstrate proficiency will be forwarded to the State Department of Education. Alternate mechanisms must be re-submitted to the Department when changes are made to the mechanism. ()

04. Attendance. Attendance shall be an element included in the credit system, alternate mechanism or both. ()

05. Special Education Students. The Individualized Education Program (IEP) team for a student who is eligible for special education services under the Individuals with Disabilities Education Improvement Act may, establish alternate requirements or accommodations to credit requirements as are deemed necessary for the student to become eligible for promotion to the next grade level. ()

06. Limited English Proficient (LEP) Students. The Educational Learning Plan (ELP) team for LEP students, as defined in Subsection 112.05.g.iv., may establish alternate requirements or accommodations to credit requirements as deemed necessary for the student to become eligible for promotion to the next grade level. ()

108. COLLEGE AND CAREER ADVISING GUIDANCE PROGRAMS.

In each Idaho school, a comprehensive advising program will be provided as an integral part of the educational program. A comprehensive guidance and counseling program includes these elements: ()

01. Guidance. A guidance curriculum that identifies knowledge and skills to be attained by all students at various stages of their development and provides appropriate activities for their achievement. ()

02. Individual Planning. Individualized planning with students and their parents in each of these domains: personal/social development, educational development, and career development. ()

03. Response Services of Counseling, Consultation, and Referral. ()

04. System Support Functions That Promote Effective Delivery of Guidance Services. ()

109. SPECIAL EDUCATION.

01. Definitions. The following definitions apply only to Section 109 of these rules. ()

a. Adult Student. A student who is eligible for special education, is eighteen (18) years of age or older and to whom special education rights have transferred. ()

b. Due Process Hearing. An administrative hearing that is conducted to resolve disputes. ()

i. Regular due process hearing regarding issues on any matter related to identification, evaluation, placement, or the provision of a free appropriate public education. ()

ii. For disputes concerning discipline for which shortened time lines are in effect, an expedited due process hearing may be requested in accordance with the Individuals with Disabilities Education Act. ()

c. Education Agency. Each school district and other public agency that is responsible for providing special education and related services to students with disabilities, including the Department of Juvenile Corrections and the Idaho School for the Deaf and Blind. ()

d. Idaho Special Education Manual. Policies and procedures, as approved by the State Board of Education, that the State Department of Education is required to adopt to meet the eligibility requirements of 20 U.S.C, Section 1412 and are consistent with state and federal laws, rules, regulations, and legal requirements. ()

e. Special Education. Specially designed instruction as defined by the Individuals with Disabilities Education Act or speech-language pathology services to meet the unique needs of a special education student. ()

02. Legal Compliance. The State Department of Education and education agencies shall comply with all laws governing special education requirements. ()

a. The Board of Trustees or other comparable governing body of each education agency shall adopt policies and procedures for providing special education services and obtain approval from the State Department of Education for the same. Department approval shall be based on current governing special education requirements. Each education agency shall revise its policies and procedures as necessary to conform with changes in governing special education requirements. ()

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

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

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

i. Is an accredited school or a licensed rehabilitation center; and ()

- ii. Meets minimum health, fire and safety standards; and ()
- iii. Is nonsectarian; and ()
- iv. Provides special education services consistent with governing special education requirements. ()
- v. Any private school or facility aggrieved by the Department's final decision may appeal that decision to the State Board of Education. ()

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

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

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

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

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

04. Individualized Education Programs. Each education agency shall develop an individualized education program (IEP) for each student who is eligible for special education. The IEP shall be implemented as soon as possible after it is developed. The total timeline from the determination that the student needs special education and related services to the date of implementation of the initial IEP shall not exceed thirty (30) calendar days. A new IEP shall be developed at least annually, on or before the date the previous IEP was developed. ()

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

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

- c. The IEP team shall determine the student's placement in the least restrictive environment. ()
- d. At the discretion of the education agency, an individualized family service plan (IFSP) may be used in place of an IEP if: ()
- i. The child is ages three (3) through five (5), and ()
- ii. The child's parents are provided with a detailed explanation of the differences between an IFSP and an IEP, and ()
- iii. The child's parents provide written consent to use the IFSP, and ()
- iv. The IFSP is developed in accordance with IDEA Part B policies and procedures. ()
- v. Nothing in this part requires education agencies to develop IFSPs rather than IEPs for three (3) through five (5) year old nor to implement more than the educational components of the IFSP. ()
- e. When a student who has been determined eligible for special education, as indicated by a current IEP, transfers from one (1) Idaho education agency to another, the student is entitled to continue to receive special education services. The receiving education agency may accept and implement the existing IEP or may convene an IEP team meeting to develop a new IEP. If a new IEP cannot be developed within five (5) school days, or if the education agency wishes to re-evaluate the child, an interim (short-term) IEP shall be implemented pending development of the standard IEP. ()
- f. If a student who is eligible for special education in another state transfers to an Idaho education agency, the Idaho education agency shall request a copy of the student's most recent eligibility documentation and IEP within two (2) school days. Within five (5) school days of receipt of the eligibility documentation and IEP, the Idaho education agency shall determine if it will adopt the existing eligibility documentation and IEP. If the education agency disagrees with the existing eligibility documentation, or if the documentation is not available within a reasonable time period, consent for an initial assessment shall be sought. While the assessment and evaluation is in process, the education agency may implement an interim IEP if the parent or adult student agrees. If the parent or adult student does not agree to an interim IEP, the student shall be placed in general education. ()
- 05. Procedural Safeguards.** Education agencies will use appropriate procedural safeguards consistent with the Individuals with Disabilities Education Act. ()
- a. If a parent or adult student disagrees with an individualized education program (IEP) team's proposed IEP for the student, the parent or adult student may file a written objection to all or parts of the proposed IEP. If the written objection is emailed, postmarked or hand delivered within ten (10) calendar days of the date the parent or adult student receives written notice of the proposed IEP, the proposed change cannot be implemented for fifteen (15) calendar days, or as extended through mutual agreement by the district and the parent or adult student while the parties work to resolve the dispute. Parties may choose to hold additional IEP team meetings which may be facilitated by the State Department of Education (SDE) or request voluntary mediation through the SDE. If these methods fail or are refused, the proposed IEP shall be implemented after fifteen (15) calendar days unless a due process hearing is filed by the parents or adult student, during which time the student shall remain in the current educational placement during the pendency of any administrative or judicial proceeding, unless the district/adult student agree otherwise. The written objection cannot be used to prevent the education agency from placing a student in an interim alternative educational setting in accordance with IDEA discipline procedures, or to challenge an eligibility/identification determination. ()
- b. Mediation may be requested by an education agency, parent, or adult student, or offered by the State Department of Education at any time. The Department shall screen all such requests to determine appropriateness. Any time a hearing is requested, the Department shall offer mediation using policies and requirements set forth in the Individuals with Disabilities Education Act regulations. If the Department appoints a mediator, the Department shall be responsible for compensating the mediator. All mediation participants will receive a copy of the Notification of Mediation Confidentiality form. Attorney fees may not be awarded for a mediation that is conducted prior to a request for a due process hearing. ()

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

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

e. Due process hearings shall be conducted pursuant to IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Individuals with Disabilities Education Act requirements, and the Idaho Special Education Manual, incorporated by reference in Section 004 of this rule. In case of any conflict between the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General" and the IDEA, the IDEA shall supersede the IDAPA 04.11.01, and IDAPA 04.11.01 shall supersede the Idaho Special Education Manual. ()

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

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

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

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

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

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

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

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

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

110. ALTERNATIVE SECONDARY PROGRAMS.

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth, pursuant to Section 33-1001, Idaho Code. ()

01. Instruction. Special instruction courses for at-risk youth enrolled in an alternative secondary program will include: ()

- a.** Core academic content that meets or exceeds minimum state standards; ()
- b.** A physical fitness and personal health component; ()
- c.** Career and technical education component approved by the state division of career technical education; ()
- d.** A personal finance, parenting, and child care component; and ()
- e.** A personal and career counseling component. ()

02. Graduation Credit. Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences. ()

03. Special Services. Special services for at-risk youth enrolled in alternative secondary programs include the following where appropriate: ()

- a.** A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider. ()
- b.** Direct social services that may include officers of the court, social workers, counselors/psychologists. ()
- c.** All services in accordance with the student's Individualized Education Program. ()

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

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

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

a. Measure and improve student achievement; ()

b. Assist classroom teachers in designing lessons; ()

c. Identify areas needing intervention and remediation, and acceleration; ()

d. Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; ()

e. Inform parents and guardians of their child's progress; ()

f. Provide comparative local, state and national data regarding the achievement of students in essential skill areas; ()

g. Identify performance trends in student achievement across grade levels tested and student growth over time; and ()

h. Help determine technical assistance/consultation priorities for the State Department of Education. ()

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

k. Grade 10 - Idaho Alternate Assessment, Idaho English Language Assessment. ()

l. Grade 11 - High School Idaho Standards Achievement Test in English language usage and mathematics, science, Idaho Alternate Assessment, Idaho English Language Assessment, *and college entrance exam.* ()

m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment, *and college entrance exam.* ()

07. Comprehensive Assessment Program Schedule. ()

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

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

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

08. Costs Paid by the State. Costs for the following testing activities will be paid by the state: ()

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

b. Statewide distribution of all assessment materials; and ()

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

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

10. Test Security, Validity and Reliability. ()

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

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

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

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

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

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

- i. Language Arts/Communications. ()
- ii. Math. ()
- iii. Science. ()
- iv. Social Studies. ()
- v. Health. ()
- vi. Humanities. ()

112. ACCOUNTABILITY.

School district, charter district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement. The state accountability framework will be used to meet both state and federal school accountability requirements and will be broken up by school category and include measures of student academic achievement and school quality as determined by the State Board of Education. ()

01. School Category. ()

a. Kindergarten through grade eight (K-8): Schools in this category include elementary and middle schools as defined in Subsection 112.05.f. ()

b. High Schools, not designated as alternative high schools, as defined in Subsection 112.05.f. ()

c. Alternative High Schools. ()

02. Academic Measures by School Category. ()

a. K-8: ()

i. Idaho Standards Achievement Tests (ISAT) Proficiency. ()

ii. ISAT growth toward proficiency based on a trajectory model approved by the State Board of Education. ()

iii. ISAT proficiency gap closure. ()

iv. Idaho statewide reading assessment proficiency. ()

v. English Learners achieving English language proficiency. ()

vi. English Learners achieving English language growth toward proficiency. ()

b. High School: ()

i. ISAT proficiency. ()

ii. ISAT proficiency gap closure. ()

iii. English Learners achieving English language proficiency. ()

iv. English Learners achieving English language growth toward proficiency. ()

v. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ()

- vi. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ()
- c. Alternative High School: ()
 - i. ISAT proficiency. ()
 - ii. English learners achieving English language proficiency. ()
 - iii. English learners achieving English language growth towards proficiency. ()
 - iv. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ()
 - v. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. ()
- 03. School Quality Measures by School Category.** ()
 - a. K-8: ()
 - i. Students in grade 8 enrolled in pre-algebra or higher. ()
 - ii. Chronic Absenteeism. ()
 - iii. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ()
 - b. High School: ()
 - i. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. ()
 - ii. Chronic Absenteeism. ()
 - iii. Students in grade 9 enrolled in algebra I or higher. ()
 - iv. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ()
 - c. Alternative High School: ()
 - i. Credit recovery and accumulation. ()
 - ii. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. ()
 - iii. State satisfaction and engagement survey administered to parents, students, and teachers (effective starting in the 2018-2019 school year). ()
 - iv. Communication with parents on student achievement (effective starting in the 2018-2019 school year). ()
- 04. Reporting.** Methodologies for reporting measures and determining performance will be set by the

State Board of Education. ()

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

a. Annual Measurable Progress. ()

i. The State Department of Education will make determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. ()

ii. The State Board of Education will set long-term goals and measurements of interim progress targets toward those goals. The baseline for determining measurable student progress will be set by the State Board of Education and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. ()

b. Full Academic Year (continuous enrollment). ()

i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved progress in any statewide assessment used for determining proficiency. A student is continuously enrolled if the student has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. ()

ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. ()

iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved progress in any statewide assessment used for determining proficiency. ()

c. Participation Rate. ()

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved measurable progress in ISAT proficiency. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. ()

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

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

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

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

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6)

inclusive, or any combination thereof. ()

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

iii. A high school is any school that contains grade twelve (12). ()

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

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

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

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

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

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

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

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

(1) Individuals whose native language is a language other than English; or ()

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

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

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

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

will be disaggregated by the subpopulations listed in Subsection 112.05.g. ()

113. (RESERVED)

114. FAILURE TO MEET ANNUAL MEASURABLE PROGRESS.

01. Accountability Measures and Timelines. Accountability measures and timelines will be determined by the state board of education for school districts and schools who fail to meet annual measurable progress. ()

02. Compliance with Federal Law. All schools and local educational agencies in this state shall comply with applicable federal laws governing specific federal grants. ()

a. With respect to schools and local educational agencies in this state that receive federal grants under title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (Title I schools), the State Department of Education shall develop procedures for approval by the State Board of Education, consistent with federal law, that describe actions to be taken by local educational agencies and schools in this state in regard to schools that fail to meet interim and long-term progress goals. ()

b. With respect to schools and local educational agencies in this state that do not receive federal grants under Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, such non-Title I schools and local educational agencies shall be required to comply with federal law and state requirements with the procedures relating to failure to meet interim and long-term progress goals as provided in Subsection 114.02.a. of this rule, as if they were Title I schools, except that any provisions relating to the use of federal grants to pay for such expenses shall not be applicable to such non-Title I schools and local educational agencies. In such event, non-title I schools shall be required to fund such compliance costs from general operating funds. ()

115. -- 117. (RESERVED)

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. ()

119. -- 139. (RESERVED)

140. WORKFORCE SKILLS.

01. Academic Skill Development. All students will be provided the opportunity to develop their academic skills (i.e., reading, language arts and communication, mathematics, science, social studies) and to develop the skills necessary for entering the workforce, including self-management skills (i.e., ability to plan, self-discipline, respect for authority, ongoing skill improvement), individual and teamwork skills (i.e., personal initiative, working with others), thinking/information skills (i.e., reasoning, problem solving, acquiring and using information) and vocational-technical skills based on the standards of the industry as approved by the State Board of Vocational Education. ()

02. Other Skill Development. Recognizing that students may or may not be active in the workforce, the State Board believes all students should be provided the opportunity to become contributing community and family members. This instruction includes homemaking skills (i.e., nutrition, child development, resource management); balancing work and family responsibilities; and entrepreneurial skills. ()

03. Work-Based Learning Experiences. Work-based learning experiences may be provided as part of the instruction in the school. For students to receive credit, these experiences will include: training plans, training agreements, approved work sites, and supervision by appropriately certificated personnel. If work-based learning experiences are selected, they will be included in the Parent Approved Student *Career Pathways* Plans. Instruction

will be organized to facilitate a successful transition into the workforce and further education. ()

141. -- 159. (RESERVED)

160. SAFE ENVIRONMENT AND DISCIPLINE.

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

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

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

161. -- 170. (RESERVED)

171. GIFTED AND TALENTED PROGRAMS.

01. Definitions. The following definitions apply only to Section 171 of these rules. ()

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

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

a. Philosophy statement. ()

b. Definition of giftedness. ()

c. Program goals. ()

d. Program options. ()

e. Identification procedures. ()

f. Program evaluation. ()

03. Screening. The district's process for identifying gifted and talented students shall include the following steps: ()

a. The district shall screen all potentially gifted and talented students to ensure they have an

opportunity to be considered; and ()

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

c. The district shall match student needs with appropriate program options. ()

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

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

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

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

172. -- 199. (RESERVED)

200. K-12 IDAHO CONTENT STANDARDS.

As stated in Subsection 105.02 of these Thoroughness rules, all students graduating from Idaho public high schools must meet locally established content standards. The standards set forth in Section 004 of this rule are state content standards that shall be the minimum standards used by every school district in the state in order to establish a level of academic content necessary to graduate from Idaho's public schools. Each school district may set standards more rigorous than these state content standards but no district shall use any standards less rigorous than those set forth in these Thoroughness rules. ()

201. -- 999. (RESERVED)

08.02.04 – RULES GOVERNING PUBLIC CHARTER SCHOOLS

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code, the Board is authorized to promulgate rules implementing the provisions of Title 33, Chapter 52, Idaho Code. ()

001. SCOPE.

These rules establish a consistent application and review process for the approval and maintenance of public charter schools in Idaho. ()

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.

The provisions found in Sections 400 through 404, of these rules, govern administrative appeals of public charter schools. ()

004. -- 009. (RESERVED)

010. DEFINITIONS.

01. Authorizer Fee. Fee paid by each public charter school to its authorized chartering entity. ()

02. Board. Means the Idaho State Board of Education. ()

03. Commission. Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. ()

04. Department. Means the Idaho Department of Education. ()

05. Institution. For the purpose of this section, Institution means an Idaho public college, university of community college, or a private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities. ()

06. 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. ()

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

011. -- 099. (RESERVED)

100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.

01. Responsibilities of Petitioners on Approval of Charter. Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall provide the Board with written notice of such approval. The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request. ()

02. Authorization to Begin Educational Instruction. The public charter schools authorized to begin educational instruction during a given school year shall be those public charter schools that have received approval from their authorized chartering entities to begin educational instruction during such school year. A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction 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. ()

101. AUTHORIZED CHARTERING ENTITY.

01. Institution. An institution shall receive approval from their governing board prior to authorizing any charter schools. ()

a. Petitions shall be submitted to the president of the institution or his designee. ()

b. An institution may approve or deny a petition. ()

c. Notwithstanding Sections 400 through 404, of these rules, denial of a new petition by an institution is final. A petitioner may submit a petition that has been denied by an institution to any authorized chartering entity. ()

102. AUTHORIZER FEE.

01. Notification. It is the responsibility of each authorizer to notify the Department if the authorizer fee has not been received by the date specified in Section 33-5208, Idaho Code. ()

a. The authorizer must provide notification of the delinquent fee to the charter school prior to reporting to the Department. ()

b. The authorizer must provide the amount delinquent and proof of notification to the charter school within thirty (30) days of the non-payment of the authorizer fee. ()

c. The Department shall withhold the amount of the delinquent fee from the next scheduled release of funds to the charter school. The funds will be withheld until the Department has received notification from the authorizer that the authorizer fee has been paid in full. ()

103. -- 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. ()

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. ()

03. Petition Submittal. A public charter school petition may be submitted to only one (1) authorized chartering entity at a time. A petitioner may submit a petition that has been denied by an authorized chartering entity to any other authorized chartering entity after an appeal process, if any, is complete and a final decision has been reached. ()

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

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. ()

202. NEW PUBLIC CHARTER SCHOOL APPLICATION REQUIREMENTS.

Pursuant to Section 33-5205, Idaho Code, petitioners seeking to establish a new public charter school must complete an application consisting of all of the following elements: ()

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

- a.** Cover page with the proposed school’s name, intended opening year, general location, and the contact information for one (1) petitioner who will serve as liaison with the authorizer during the petition process; ()
- b.** Table of contents; ()
- c.** One-page (1) executive summary describing the proposed school’s organizational structure, educational program, and student outcome expectations; and ()
- d.** Mission statement. ()
- 02. Educational Program.** Describe the proposed school’s educational program by explaining the following: ()
- a.** Educational philosophy; ()
- b.** Student academic achievement standards and any additional goals and methods for measuring achievement; ()
- c.** Key educational design elements, including curricula, tools and instructional methods identified to carry out the educational philosophy and meet academic and mission-specific goals, which may include evidence demonstrating efficacy of these elements; and ()
- d.** Strategies for meeting the needs of specific student populations, including, but not limited to, at-risk students, special education students, English language learners, and gifted students. ()
- 03. Financial and Facilities Plan.** Demonstrate a sound understanding of public charter school finances and facilities needs. ()
- a.** State whether the school intends to provide transportation or food service, and provide plans for provision of these services if they will be offered; ()
- b.** Describe how the school’s finances will be managed and monitored; ()
- c.** Provide a working draft of the school’s prospective facilities plan, including likely facilities needs and estimated costs; ()
- d.** Provide a description of any potential facilities that have been identified and a timeline and process for securing appropriate space; and ()
- e.** Attach the following to Appendix A: Pre-opening budget and three-year operating budget, including detailed assumptions for all revenue and expenditures for each year; year one (1), break-even budget demonstrating the minimum enrollment needed to achieve a zero (0) or marginal net income balance at the end of the year; cash flow projection for the first operational year, demonstrating an understanding of charter school monetary flow; evidence of existing and anticipated funds; and evidence that projected facilities costs are reasonable within the start-up and three-year budgets. ()
- 04. Board Capacity And Governance Structure.** Provide information about the legal entity and the individuals involved in opening the proposed school. ()
- a.** Attach copies of the nonprofit corporation’s Articles of Incorporation and Corporate Bylaws to Appendix B, though note that they will not be incorporated as part of the school’s charter; ()
- b.** Provide a description of the governance structure; ()
- c.** List any already identified members of the board of directors, attach their professional resumes to Appendix C, and provide any additional information about their qualifications; ()

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

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

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

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

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

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

d. Provide the target enrollment by grade level and projected growth over five (5) years; ()

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

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

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

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

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

c. If the proposed school intends to work with an educational service provider, provide the name of the company, a contact within the company, and specify in detail the extent of the entity’s participation in the management and operation of the school. Attach the following to Appendix E: ()

i. A term sheet indicating the fees to be paid by the proposed school to the management company, the length of the proposed contract, the terms for the contracts renewal, and provisions for termination; ()

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

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

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

07. Supporting Documents. ()

- a. Appendix A – Budgets, cash flow, additional funds. ()
- b. Appendix B – Articles of Incorporation and Bylaws. ()
- c. Appendix C – Board of Directors. ()
- d. Appendix D – School Administration. ()
- e. Appendix E – Education Service Provider. ()
- f. Appendix F – Optional additional supporting documents. ()

203. ADMISSION PROCEDURES.

01. Model Admission Procedures. All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 33-5206(11), Idaho Code, and Section 203 of this rule. 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. ()

02. Enrollment Opportunities. Charter holders shall ensure that citizens in the primary attendance area shall be made aware of the enrollment opportunities of the public charter school. Such process shall include 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. ()

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. ()

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. ()

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 additional admission preferences, as authorized by Section 33-5206(11), Idaho Code. ()

06. 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. ()

07. 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: ()

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. ()

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. ()

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. ()

d. With regard to the sibling preference, if the name of the person selected has a sibling 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. ()

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. ()

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. ()

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. ()

08. 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. ()

09. Notification and Acceptance Process. ()

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. ()

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. ()

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. ()

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. ()

10. 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. ()

204. (RESERVED)

205. REVIEW OF PETITIONS.

01. If Denied, Petitioners May Appeal. ()

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. ()

b. Petitions submitted to a local board of trustees of a school district or the public charter school commission may be appealed. 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. ()

206. -- 299. (RESERVED)

300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.

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

02. Compliance with Terms of Performance Certificate. The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with the terms and conditions of the performance certificate approved executed in accordance with Section 33-5205B(1), Idaho Code. ()

03. Annual Reports. The governing board of a public charter school must submit an annual audit of the fiscal operations as required in Section 33-5206(7), Idaho Code. An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its performance certificate. ()

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

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

301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.

01. Monitoring. Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the performance certificate. ()

02. Performance Certificate Review. Pursuant to Section 33-5209B, Idaho Code, an authorized chartering entity may renew or nonrenew a charter for a term of five (5) years following the initial three-year term. Should a chartering entity take no action to renew or nonrenew the charter, and the charter school has met all of the existing performance certificate targets, the charter school shall be provisionally renewed until such time as the chartering entity takes action. The five-year term of the renewed charter shall be based on the provisional renewal date. ()

302. CHARTER REVISIONS.

The governing board of a public charter school may reasonably request revisions to an approved charter or performance certificate, as authorized by Section 33-5206(8), Idaho Code. ()

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

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

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

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

303. REVOCATION.

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303 of this rule if a public charter school has failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of Section 33-5209B(1), Idaho Code, by the dates specified. ()

01. Written Notice of Intention to Revoke Charter. The authorized chartering entity must provide the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice. ()

02. Public Hearing. The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity. ()

a. Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. ()

b. The public hearing shall be conducted by the authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code. ()

03. Charter Revocation. If the authorized chartering entity determines that the public charter school has failed to meet any of the specific written conditions for necessary improvements established pursuant to the provisions of Section 33-520B(1), Idaho Code, by the dates specified, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. ()

304. -- 399. (RESERVED)

400. APPEALS.

The following actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules: ()

01. Denial of New Petition. The denial by an authorized chartering entity of a petition to form a new public charter school, as authorized by Section 33-5207, Idaho Code. ()

02. Approval of Conversion Petition. The approval of a petition by an authorized chartering entity to convert a traditional public school to a public charter school over the objection of thirty (30) or more persons or employees of the local school district, as authorized by Section 33-5207, Idaho Code. ()

03. Denial of Charter or Performance Certificate Revision. The denial by the authorized chartering entity of a public charter school of a request to revise a charter or performance certificate, as authorized by Section

33-5206(8), Idaho Code. ()

04. Revocation. A decision of an authorized chartering entity to revoke a charter, as authorized by Section 33-5209C(7), Idaho Code. ()

401. APPEAL TO THE DEPARTMENT OF A DECISION RELATING TO THE FORMATION OF A NEW OR CONVERSION PUBLIC CHARTER SCHOOL.

The denial of a petition to form a new public charter school, or the granting of a petition to form a conversion public charter school over the objection of thirty (30) or more persons or employees of the local school district, may be appealed to the Department, as provided by Section 33-5207(1), Idaho Code. The following procedures shall govern such appeals. ()

01. Submission of Appeal. To institute an appeal, the petitioners/appellants shall submit a notice of appeal and request for public hearing in writing to the Department that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the decision of the authorized chartering entity that reviewed the petition. A copy of the notice of appeal shall be submitted to the authorized chartering entity, and with the Board. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Department two (2) copies of the complete record of all actions taken with respect to the consideration of the public charter school petition. 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: ()

a. The name, address, and telephone number of the person or persons submitting the appeal on behalf of petitioners/appellants, as well as the authorized chartering entity that issued the decision being appealed. ()

b. The complete petition that was submitted to the authorized chartering entity, including any amendments thereto or supplements thereof. ()

c. Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the petition was considered or discussed. ()

d. All correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition from the date the original petition was submitted until the date the authorized chartering entity issued the decision being appealed. ()

e. The written decision provided by the authorized chartering entity to the petitioner. A copy of such notice of appeal shall be submitted to the authorized chartering entity whose decision is being appealed, and to the Board. ()

02. Hearing Officer. The Department shall hire a hearing officer to review the action of the authorized chartering entity and to conduct a public hearing, pursuant to Section 67-5242, Idaho Code. The Department shall forward to the hearing officer one (1) copy of the record provided by petitioners/appellants and attached to the notice of appeal within ten (10) business days of receipt. ()

03. Public Hearing. A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the hearing officer receives the notice of appeal and request for a public hearing submitted to the Department. ()

04. 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, place, and nature 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. ()

05. Prehearing Conference. The hearing officer 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. ()

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. Any party may request that a transcript of the recorded hearing be prepared, at the expense of the party requesting such 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. ()

07. Hearing Officer's Recommendation. The hearing officer shall issue a recommendation within ten (10) days after the date of the hearing. The recommendation 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 hearing officer; and a recommendation affirming or reversing the decision of the authorized chartering entity. The hearing officer shall mail or deliver a copy of the recommendation to the Department, the petitioners/appellants, and the authorized chartering entity. ()

08. Review of Recommendation by Authorized Chartering Entity. ()

a. The authorized chartering entity shall hold a public hearing to review the recommendation of the hearing officer within thirty (30) days of receipt of the recommendation. ()

b. Written notification of the scheduled public hearing shall be sent by the authorized chartering entity to the petitioners/appellants at least ten (10) days prior to the scheduled hearing date. ()

c. The authorized chartering entity shall make a final decision to affirm or reverse its initial decision within ten (10) days after the date the public hearing is conducted. ()

09. Reversal of Initial Decision. ()

a. If the authorized chartering entity reverses its initial decision and denies the conversion of a traditional public school to a public charter school, then that decision is final and there shall be no further appeal. ()

b. If the authorized chartering entity reverses its initial decision and approves the new public charter school, then the charter shall be granted and there shall be no further appeal. ()

10. Affirmation of Initial Decision. ()

a. If the authorized chartering entity affirms its initial decision to authorize the conversion of a traditional public school to a public charter school, then the charter shall be granted and there shall be no further appeal. ()

b. If the authorized chartering entity affirms its initial decision and denies the grant of a new public charter school, then the petitioners/appellants may appeal such final decision further to the Board in accordance with the procedure described in Section 402 of these rules. ()

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. ()

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: ()

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

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. ()

c. A copy of the hearing officer's recommendation. ()

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. ()

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. ()

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

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. ()

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. ()

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. ()

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. ()

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: ()

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. ()

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. ()

c. Redirect the petition for consideration by the Commission, if the appeal is regarding a denial decision made by the board of trustees of a local school district. ()

d. Deny the appeal submitted by the petitioners/appellants. ()

403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR PERFORMANCE CERTIFICATE OR A CHARTER NON-RENEWAL OR REVOCATION DECISION.

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

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 non-renew or revoke a charter or to deny a charter or performance certificate 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 one (1) hard copy and one (1) electronic copy 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: ()

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

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. ()

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. ()

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

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. ()

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. ()

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. ()

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. ()

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. ()

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. ()

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: ()

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 non-renewal or revocation of the charter, or the request to revise the charter or performance certificate, or that the authorized chartering authority acted in an arbitrary manner in determining to non-renew or revoke the charter, or in denying the request to revise the charter or performance certificate. ()

b. Deny the appeal filed by the appellants. ()

404. EX PARTE COMMUNICATIONS. Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, no party to the appeal nor any representative of any such party to the appeal, nor any person or entity interested in such appeal, may communicate, directly or indirectly, regarding any substantive issue in the appeal with the Board or the charter appeal committee or any hearing officer appointed to hear or preside over the appeal hearing, except upon notice and opportunity for all parties to participate in the communication. ()

405. -- 499. (RESERVED)

500. MISCELLANEOUS.

01. LEA Designations. Section 33-5203(7), Idaho Code, provides that the board of trustees of a school district may designate a public charter school it authorizes as an LEA, with the concurrence of the public charter school board of directors. In order to designate a public charter school as an LEA, the board of trustees of the school district must submit to the Department the following no later than February 1 in order for any such designation to be effective for the following school year: ()

a. Verification that the board of trustees is the authorized chartering entity of the public charter school it wishes to designate as an LEA. ()

b. Written documentation that the board of trustees of the school district and the board of trustees of the public charter school have agreed to the designation of the public charter school as an LEA. Such documentation shall be signed by representatives of both parties. ()

501. -- 999. (RESERVED)

08.02.05 – RULES GOVERNING PAY FOR SUCCESS CONTRACTING

000. LEGAL AUTHORITY.

In accordance with Sections 33-125B(8), Idaho Code, the State Board of Education may promulgate rules implementing the provisions of Section 33-125B, Idaho Code. ()

001. SCOPE.

These rules constitute the requirements for Pay for Success Contracting. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. **Board.** The State Board of Education. ()

02. **Department.** The State Department of Education. ()

03. **Oversight Committee.** Committee formed pursuant to Section 33-125B(6), Idaho Code, to evaluate pay for success contracting proposals. ()

04. **Pay for Success Contracting.** Contracting for services with private entities whereby services are reimbursed based on the achievement of outcomes pursuant to Section 33-125B, Idaho Code. ()

011. -- 100. (RESERVED)

101. INITIATING CONTRACTING.

01. **Two Routes for Initiating Contracting.** Contracting may be initiated through two (2) separate routes. ()

a. **Initiated by Department.** The Department may issue a request for information upon identification of a need for a service; or ()

b. **Initiated by interested party.** An interested party or service provider may identify a need for service and submit a proposal to the State Department of Education. Proposals must include a letter of intent to participate in a pay for success contract and must include the following information: ()

i. Special service(s) that the service provider will provide; ()

ii. How the services will enhance student academic achievement; ()

iii. Source of education funding from which savings will be realized; ()

iv. Identity of one (1) or more qualified external evaluators; ()

v. Provide external evaluator's qualifications and expertise as required pursuant to Section 33-125B, Idaho Code; and ()

vi. Identify local education agencies (LEA) that have expressed interest in participating in the service and documentation that LEA meets the requirements pursuant to Section 33-125B, Idaho Code. ()

02. **Additional Information.** As part of the review process, the oversight committee may request additional information. ()

03. **Format.** Proposals may be submitted in electronic or hard copy format. ()

102. PROPOSAL EVALUATION.

01. **Timeline.** ()

a. Within five (5) business days of receipt of the complete proposal, the proposal will be forwarded electronically to the oversight committee. ()

b. After receiving the proposal, the oversight committee will determine if additional information is needed to evaluate the proposal. The oversight committee will request additional information from the interested party within thirty (30) days of receiving the initial proposal. ()

c. The interested party shall respond to a request for additional information within fifteen (15) days of receiving the request. ()

i. Requests for additional response time may be granted at the discretion of the oversight committee. ()

ii. If the interested party fails to respond or additional information is not received within the specified time, the oversight committee may reject the proposal without further consideration. ()

d. The oversight committee shall hold an initial meeting either in-person, telephonically, or by other means, to consider the merits of the proposal within forty-five (45) days of receipt of the proposal. ()

e. The oversight committee chair shall inform the Department designated staff person, and the interested party, of its decision on a proposal within ninety (90) days of receipt of the complete proposal. ()

02. Oversight Committee Action. Following consideration of a proposal, the oversight committee shall take one (1) of the following actions: ()

a. Require the Department to start negotiations with the interested party; ()

b. Require the Department to start negotiations with the interested party, subject to conditions imposed by the oversight committee; ()

c. Reject the proposal with suggestions for improving the proposal prior to considering resubmittal, or; ()

d. Reject the proposal. ()

03. Proposal Resubmittal. Proposals that have been rejected may be resubmitted for consideration if amendments have been made to the proposal or additional information has been added for the oversight committee's consideration. ()

103. CONTRACT NEGOTIATIONS.

01. Negotiation Teams. Contract negotiations for accepted proposals shall involve the following individuals: ()

a. The Department chief budget officer or designee; ()

b. One (1) or more individuals with a background in complex financial instruments; ()

c. One (1) or more individuals with a background in complex financial instruments, at least one (1) of which will be from the state treasurer's office or the state endowment fund board; ()

d. One (1) or more financial officers from a local education agency. In the event a local education agency has already been identified to participate in the proposal, the chief financial officer for the local education agency shall participate. ()

e. One (1) or more individuals representing the interested party. ()

02. Negotiation Timeline. Negotiations shall be completed within ninety (90) days unless extended by the oversight committee. To be extended by the oversight committee, the committee must determine that all parties have made a best effort to negotiate the contract. ()

03. Negotiation Updates. The Department shall provide regular contract negotiation updates to the oversight committee, not less than every thirty (30) days during contract negotiations. Failure to negotiate mutually agreeable terms within ninety (90) days shall be reported to the oversight committee. The committee may extend the timeline for negotiations, appoint a new negotiations team or terminate the negotiations. ()

04. Time Tracking. State employees' time spent on the evaluation or negotiation shall be tracked and recorded on a per proposal basis and be provided to the oversight committee, or to other interested parties upon request. ()

104. CONTRACT MONITORING.
Contract monitoring reports will be submitted to the oversight committee by the Department in a timeline and format established by the oversight committee. ()

105. -- 999. (RESERVED)

08.03.01 – RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION

000. LEGAL AUTHORITY.

The Public Charter School Commission, in accordance with Section 33-5213, Idaho Code, adopts these rules. ()

001. SCOPE.

These rules provide the requirements for the governance and administration of the Public Charter School Commission. ()

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.

The provisions of Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, “Rules Governing Public Charter Schools,” govern appeals from decisions of the Commission. ()

004. -- 099. (RESERVED)

100. DEFINITIONS.

01. Board. The Idaho State Board of Education or its designee. ()

02. Commission. The Public Charter School Commission or its designee. ()

101. -- 199. (RESERVED)

200. PROCEEDINGS BEFORE THE COMMISSION.

Proceedings or other matters before the Commission or its duly appointed hearing officer are governed by the provisions of Title 33, Chapter 52, Idaho Code, IDAPA 08.02.04, and these rules. ()

201. COMMUNICATIONS WITH COMMISSION.

All written communications and documents intended to be part of an official record of decision in any proceeding before the Commission of any hearing officer appointed by the Commission must be filed with the individual designated by the agency. Unless otherwise provided by statute, rule, order, or notice, documents are considered filed when received by the officer designated to receive them, not when mailed or otherwise transmitted. ()

202. COMPUTATIONS OF TIME.

Whenever statute, these or other rules, order, or notice requires an act be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday, or a legal holiday, the act may be done on the first day following that is not a Saturday, Sunday, or legal holiday. ()

203. MEETINGS -- MAJORITY -- CHAIRMAN.

01. Majority. A simple majority of members voting shall be sufficient to decide any matter pending before the Commission. ()

02. Chairman Vote. The chairman shall vote only when necessary to break a tie. ()

204. -- 299. (RESERVED)

300. COMPLIANCE MONITORING.

The Commission shall be responsible for monitoring the public charter school’s operations in accordance with all of the terms and conditions of the performance certificate, 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: ()

01. Certificate of Occupancy. Certificate of Occupancy for the public charter school site; ()

02. Building Inspection Reports. A copy of the inspection report from the Idaho Division of Building Safety; ()

- 03. Fire Marshal Report.** A fire marshal report for the public charter school site; ()
- 04. 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; ()
- 05. Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; ()
- 06. Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school; and ()

301. 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 any notice from the public charter school's accrediting body that the public charter school has failed to meet or maintain full accreditation requirements 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. Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission. ()

302. -- 399. (RESERVED)

400. PETITION -- PUBLIC HEARING.

A public hearing, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission. Citizens intending to testify must notify the Commission the day of the meeting. Public comment will be limited to ten (10) minutes, unless otherwise determined by the Commission chairman.

()

401. -- 999. (RESERVED)

08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY

000. LEGAL AUTHORITY.

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

001. SCOPE.

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

002. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. -- 100. (RESERVED)

101. ACCREDITATION.

IDLA must maintain accreditation by an organization recognized by the State Board of Education. ()

102. ACCOUNTABILITY.

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

02. Student Work and Ethical Conduct. ()

a. IDLA will inform students in writing of the consequences of plagiarism. The consequences for plagiarism are set out in the IDLA student handbook which is made available online at all times and is communicated to each student and parent prior to the beginning of each class. IDLA will investigate suspected cases of plagiarism and inform parents, students, and the local school district when a suspected case arises. ()

b. Acceptable use and behavior in a distance-learning environment is determined by local school district's policies. IDLA students and parents will be informed by the IDLA AUP specifically governing behavior in an online school. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. ()

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

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

03. Teacher Interaction. IDLA faculty are required to contact students within the first twenty-four (24) hours of class. Contact includes phone, e-mail, web conferencing, or other technological means. IDLA is required to submit periodic progress reports and final course percentages for individual students' grades which are then reported to the local school district for transcription to the student's academic record. ()

103. FEES.

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

104. -- 999. (RESERVED)

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

DOCKET NO. 08-0102-2101 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-4601A, 33-4605, and Chapter 46, Title 33, Idaho Code.

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

In accordance with Executive Order 2020-01, this rulemaking will remove language that is duplicative of the statutory language authorizing the Postsecondary Credit Scholarship Program in Section 33-4605, Idaho Code and simplify administrative functions.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 6, 2021 Idaho Administrative Bulletin, [Vol. 21-10, pages 14 and 15](#).

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

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

DATED this 30th day, November 2021.

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632
Email: tracie.bent@osbe.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-4601A, 33-4605, and Chapter 46, 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 20, 2021.

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

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

In accordance with [Executive Order No. 2020-01](#), this rulemaking will remove language that is duplicative of the statutory language authorizing the Postsecondary Credit Scholarship Program in Section 33-4605, Idaho Code, and simplify administrative functions.

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: NA.

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 7, 2021 Idaho Administrative Bulletin, [Vol. 21-7, 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: None.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2021.

DATED this 6th day of October, 2021.

THE FOLLOWING IS THE TEXT OF PENDING DOCKET NO. 08-0102-2101

08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-4601A, and 33-4605, Idaho Code the Board is authorized to promulgate rules implementing the provisions of Title 33, Chapter 46, Idaho Code. ()

001. SCOPE.

These rules constitute the requirements for the Postsecondary Credit Scholarship Program. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this rule the following definitions apply: ()

01. Board. Idaho State Board of Education. ()

02. Business Scholarship. A competitive scholarship awarded from a business entity registered with the Idaho Secretary of State or other state or federal entity that registers businesses and whose purpose is not postsecondary education nor is the entity affiliated with a postsecondary educational institution; or an association representing businesses as described herein. ()

03. Executive Director. Executive Director for the Idaho State Board of Education. ()

04. Grade Point Average (GPA). Average secondary grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. ()

05. Industry Scholarship. A competitive scholarship in which the recipient must enter into a program of study for a specific occupational area. ()

011. -- 100. (RESERVED)

101. APPLICATION PROCESS.

Applications must be made on a form and in the timelines set by the Executive Director. Failure to respond within the specified time period will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the Executive Director or designee. ()

102. -- 299. (RESERVED)

300. SCHOLARSHIP AWARDS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. In the event more eligible applications are received than funds are available, awards will be based upon GPA ranking. ()

02. Payment. Payment of scholarship award will be made in the name of the recipient and will be sent to the designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient student's account within a reasonable time following receipt of the payment. ()

301. -- 999. (RESERVED)

IDAPA 08 – STATE BOARD OF EDUCATION
08.01.10 – IDAHO COLLEGE WORK STUDY PROGRAM
DOCKET NO. 08-0110-2101 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, and Chapter 44, Title 33, Idaho Code.

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

In accordance with Executive Order 2020-01, this rulemaking will remove language that is duplicative of the statutory language authorizing the state work study program contained in chapter 44, title 33.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 6, 2021 Idaho Administrative Bulletin, [Vol. 21-10, pages 16 and 17](#).

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

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

DATED this 30th day, November 2021.

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
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P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632
Email: tracie.bent@osbe.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-107, and Chapter 44, 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 20, 2021.

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

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

In accordance with [Executive Order No. 2020-01](#), this rulemaking will remove language that is duplicative of the statutory language authorizing the state work study program contained in chapter 44, title 33.

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: NA.

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 7, 2021 Idaho Administrative Bulletin, [Vol. 21-7, page 17](#).

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: None.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2021.

DATED this 6th day, October 2021.

THE FOLLOWING IS THE TEXT OF PENDING DOCKET NO. 08-0110-2101

08.01.10 – IDAHO COLLEGE WORK STUDY PROGRAM

000. LEGAL AUTHORITY.

The following rules are made under authority of Sections 33-105, 33-107, and 33-4402, Idaho Code. ()

001. 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. -- 101. (RESERVED)

102. ALLOCATION OF FUNDS.

Funds appropriated to the Office of the State Board of Education (Board) 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 prior to the previous fiscal year of participation that is based on the appropriation for that fiscal year multiplied by an enrollment factor. The enrollment factor shall be calculated by dividing the headcount of resident degree-seeking students at the participating institutions by the total headcount of resident degree-seeking students for all participating institutions. ()

103. (RESERVED)

104. AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor or the auditor for the Board to ensure compliance with the statutes, rules, and policies governing the Idaho College Work Study Program, including provision of accurate enrollment information. ()

105. CARRYOVER FUNDS.

Participating institutions may carry over up to ten percent (10%) of the work study program funds received in one (1) 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 Board. ()

106. -- 999. (RESERVED)

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

DOCKET NO. 55-0000-2100

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2022 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of, or date specified in, the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-1002G, 33-1629, 33-2202, 33-2207, and 33-2211, Idaho Code.

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

This pending rule adopts and publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 55, rules of the State Board of Career Technical Education:

IDAPA 55

- 55.01.03, *Rules of Career Technical Schools*; and
- 55.01.04, *Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants*.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 20, 2021, Special Edition of the Idaho Administrative Bulletin, Vol. 21-10SE, pages 5071-5079.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules being reauthorized by this rulemaking.

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

Dated this 22nd day of December, 2021.

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
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THE FOLLOWING NOTICE PUBLISHED WITH THE OMNIBUS 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-1002G, 33-1629, 33-2202, 33-2207, and 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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

This proposed rulemaking publishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 55, rules of the State Board of Career Technical Education:

IDAPA 55

- 55.01.03, *Rules of Career Technical Schools*; and
- 55.01.04, *Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants*.

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, 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 within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this October 20, 2021.

THE FOLLOWING IS THE TEXT OF OMNIBUS PENDING DOCKET NO. 55-0000-2100

DAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

000. LEGAL AUTHORITY.

The State Board of Education is designated as the State Board for Career Technical Education and is responsible to execute the laws of the state of Idaho relative to career technical education, administer state and federal funds, and through the administrator of the State Division of Career Technical Education, coordinate all efforts in career technical education (Section 33-2202 through 33-2212, Idaho Code). ()

001. SCOPE.

These rules serve the administration of Career Technical schools in Idaho and define the duties of the State Division of Career Technical Education. ()

002. -- 004. (RESERVED)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. ()

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. ()

03. Career Technical Schools. Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. ()

04. Concentrator Student. A junior or senior enrolled in the capstone course. ()

05. Credit Hours. The total number of earned credit hours reported to the state longitudinal data system for qualifying intermediate, capstone, and work-based learning courses. ()

06. EDUID. Education Unique Identifier. ()

07. Enrollment Units. The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. ()

08. Intermediate Course. A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course and is offered in grades 9 through 12. ()

09. Participation Total. The total number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. ()

10. Technical Skills Assessment. An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. ()

11. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. ()

006. -- 101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools are intended to deliver high-end career technical education programs that go beyond the scope of traditional career technical education. Labs are appropriately designed for the type of program and the number of students enrolled. The program has state-of-the-art equipment, current technology and strong links to business and industry. ()

02. Career Technical School Program. Each program of a career technical school shall: ()

a. Deliver a sequence of career technical education courses that culminate in a capstone course. ()

b. Meet all of the required technical competency credit standards established by the state board of education. ()

c. Develop and maintain business and industry partnerships in addition to the technical advisory committee. ()

d. Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. ()

e. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education. ()

f. Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. ()

g. Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. ()

h. Promote the development of leadership. ()

103. APPLICATION PROCESS.

New and renewal applications for career technical school funding must be received by the Division of Career Technical Education on or before the fifteenth of April for the following fiscal year. ()

104. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUNDING AND ELIGIBILITY.

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is distributed based on the number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skills assessment for the program the student was enrolled in, and the total credit hours reported by each school for intermediate, capstone, and work-based learning courses. If any approved program within a career technical school does not enroll students from more than one (1) high school during the previous academic year, the program will not be included in the current year funding calculation. If the overall school enrollment exceeds more than eighty-five percent (85%) of students from any single high school during the previous school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding. ()

105. CAREER TECHNICAL SCHOOL FUNDING CALCULATION.

The distribution of individual career technical school funding will be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative earned credit hours. Qualifying pathway enrollment will be reported to the State.

The Division of Career Technical Education will gather participation data from the independent technical skill assessment providers annually. ()

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL UNIT FUND DISTRIBUTION.

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories. ()

01. Payment Distribution. Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: ()

a. Seventy percent (70%) of the total appropriated funds for which career technical schools are eligible shall be distributed no later than September 30th each year. Funding will not be distributed until the previous year enrollment units are reported and the Division of Career Technical Education has verified aggregate participation data. ()

b. The remaining funds shall be distributed no later than June 30th. ()

108. ACCOUNTABILITY.

01. Assessment Process. The Division of Career Technical Education shall develop an assessment process that includes measures and standards for career technical school programs. ()

02. Reporting. No later than October 15 of each year, career technical schools will submit a report to the Division of Career Technical Education, detailing their enrollment at the program level by high school. ()

03. Administrator Responsibility. The administrator of each career technical school shall be responsible to provide onsite administration of the career technical school. The administrator will submit all required career technical school reports requested by the Division of Career Technical Education. ()

04. Accreditation. Each career technical school shall be accredited following Board of Education requirements. This accreditation shall be appropriate for the individual type of career technical school that is developed. ()

05. School Improvement Plan. The administration, faculty and staff at each career technical school is responsible to develop and implement a local school improvement plan based on the assessment process developed by the Division of Career Technical Education. ()

109. -- 999. (RESERVED)

55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

000. LEGAL AUTHORITY.

This chapter is adopted under authority of Section 33-1629, Idaho Code. ()

001. SCOPE.

These rules govern the standards and procedures for application to the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants as administered by the Idaho Division of Career Technical Education. ()

002. -- 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

01. Administrator. The administrator for the Division of Career Technical Education. ()

02. Agricultural and Natural Resources Program. A program approved by the Division of Career Technical Education that is a standards-based curriculum in agriculture, food and natural resources systems delivered through an integrated model that incorporates classroom and laboratory instruction, experiential learning and student leadership and personal development. ()

03. Board. The State Board for Career Technical Education. ()

04. Division. The Division of Career Technical Education. ()

05. FTE. Full Time Equivalent employee. ()

06. School District or District. A public school district or a charter school authorized by the Public Charter School Commission or school district. ()

011. -- 099. (RESERVED)

100. INCENTIVE GRANT.

01. Eligibility Requirements. Eligible applicants must meet quality program and instructor requirements as approved by the board. Applicants may re-apply each year regardless of whether they have received a previous grant award. ()

a. An agricultural and natural resources program in any grade, nine (9) through twelve (12), must first meet the minimum program-specific quality program standards as approved by the board. ()

b. Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program must meet each of the program quality indicators at the level of “basic” or higher. Programs must also have an overall average rating of no less than “distinguished” for all program-specific quality standards. This average will be calculated using the quality indicators within each standard. Programs that do not meet the minimum quality standards requirements in one (1) year may be found eligible in subsequent year. Programs will be assessed by the division. ()

c. Instructors must teach in an agricultural and natural resources program that meets the quality program standards and must also meet the instructor-specific quality program standard as approved by the board. ()

d. Instructors will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the instructor must meet each of the program quality indicators at the level of “basic” or higher. Instructors must also have an average rating of no less than “distinguished” for all instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one (1) year may be found eligible in a subsequent year. All instructors of agricultural and natural resources programs in grades nine (9) through twelve (12) are eligible to apply for the grant. ()

e. Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program. ()

f. Should the division request additional information from a school district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. ()

02. Application Process. The application process consists of a formal application and assessment. ()

a. To be considered for the grant, a school district must first complete and submit a formal application and supporting documentation on behalf of an instructor for an approved program according to the timeline established by the administrator. Applications may be submitted electronically to the division. In the event of a mailed application, applications must be postmarked no later than the timeline specified by the division. Instructors may not apply on their own behalf. ()

b. Following the receipt of an application, the division will conduct an assessment of the program and instructor to ensure they both meet the minimum eligibility requirements, as outlined in the quality program standards. At the administrator's discretion, the division may partner with additional subject-matter experts to assist in the evaluation. Assessments will be conducted each school year the instructor and program participate in the grant program. Districts will only be eligible to apply for the grant during the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications. ()

03. Selection of Grant Recipients. Grants will be awarded annually based on the availability of grant funds and the number of qualified applicants. Grants will be awarded to applicants based on ranking in accordance with the following criteria: ()

a. Applicants will be ranked according to their overall score. Scores will be calculated using the sum of: ()

i. The average score of the program quality indicators; and ()

ii. The average score of the instructor-specific program quality indicators. ()

04. Incentive Grant Award. ()

a. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. Prior to the distribution of the letter, the division will verify that the grant recipient continues to teach at the same school, in the same agricultural and natural resources program, and at the same FTE level as indicated on the formal application. ()

b. The total number of recipients will vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of ten thousand dollars (\$10,000) until available funds are exhausted or all qualified recipients have been awarded the grant. In the event that funds are exhausted and a qualified teacher does not receive the grant in the year he or she applies, that teacher will receive priority consideration for the grant the following year. If the teacher(s) reapplies and continues to meet the minimum qualifications the following year, he or she will be eligible to receive the grant regardless of where he or she ranks. Once the prioritized teacher(s) has been awarded funds, the remaining teachers will be ranked and funds will be awarded until the remaining funds have been exhausted. This cycle of prioritization may continue for multiple years; once a qualified teacher receives funds, he or she automatically moves back into the pool of teachers whose applications will be ranked in the following application cycle. Grants may be less than ten thousand dollars (\$10,000) when certain conditions exist: ()

i. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded equally among those recipients with a tied score. ()

ii. Grants will be awarded using FTE to calculate the percent of time an instructor spends teaching within an approved agricultural and natural resources program. In the event an instructor teaches in an approved program in less than a full-time capacity, grants will be pro-rated according to the percent of time the instructor spends teaching in the approved program. ()

- c. Grants are awarded on an annual basis and are not transferable. ()
- d. The use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. ()
- e. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: ()
 - i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; ()
 - ii. Purchase or repair equipment; or ()
 - iii. Purchase educational supplies/curricula. ()
- f. Grant funds may not be used to: ()
 - i. Cover the costs of either salaries or benefits, including extended contracts; ()
 - ii. Offset expenses associated with the FFA organization or other student organizations; or ()
 - iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. ()

101. -- 199. (RESERVED)

200. START-UP GRANT.

01. Eligibility Requirements. A school district may apply for a start-up grant for a newly-approved agricultural and natural resources program or to re-establish an agricultural and natural resources program in any grade, nine (9) through twelve (12), when specific eligibility requirements are met. Districts are eligible to apply for the grant within the first three (3) fiscal years their program is approved or re-established. If a district applies for the grant but does not receive it, the district may reapply the following year(s). However, the district may only receive the grant once and may not apply beyond the three-year window. ()

a. To start a new program, districts are required to first complete a request for new secondary program of study form for a new agricultural and natural resources program in one (1) of the specified grades. The new agricultural and natural resources program must then be approved by the division prior to application for the grant. Expansions of existing programs, including the addition of new career pathways or additional staff, do not qualify as a new program. ()

b. To re-start a program, districts are required to first complete a Request for New Secondary Program of Study form to re-establish an agricultural and natural resources program in any grade nine (9) through twelve (12). The re-established agricultural and natural resources program must then be approved by the division prior to application for the grant. The re-established program must have been inactive for at least two (2) academic years to qualify for the grant. ()

02. Application Process. A school district may submit an application for a new or re-established program. Completed applications, which must be authorized by the district superintendent, must be submitted to the division according to the timeline established by the administrator. In the event of a mailed application, the application must be postmarked no later than the timeline specified in the request. ()

a. Applications must include all required information outlined in the grant application, including specific documents detailing the district's proposed budget and long-term strategy for sustaining the program. ()

b. Should the division request additional information from a district regarding a grant application,

districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant. ()

03. Selection of Grant Recipients. Grants will be awarded annually by the division based on the availability of grant funds and the number of qualified programs. Grants will be awarded to districts based on ranking and priority that considers factors including but not limited to: the strength of the budget proposal, sustainability potential of the proposed program, and the history of prior grant awards. ()

04. Start-up Grant Award. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. The total number of recipients will not exceed four awards annually, and may vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of twenty-five thousand dollars (\$25,000) until available funds are exhausted or all qualified recipients have been awarded the grant. ()

a. Grants are awarded on a one-time basis and are not renewable or transferable. If a district is awarded the grant for a new program, the program is ineligible for future awards should the program terminate and then be re-established. ()

b. Use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. If a district fails to spend the entire award amount, those funds may not be carried forward to the next fiscal year. ()

c. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: ()

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor; ()

ii. Purchase or repair equipment; ()

iii. Purchase educational supplies/curricula; or ()

iv. Start-up costs, up to one thousand dollars (\$1,000,) associated with establishing a new chapter of FFA or other relevant student organization. ()

d. Grant funds may not be used to: ()

i. Cover the costs of salaries and/or benefits, including extended contracts; ()

ii. Offset ongoing expenses associated with the FFA organization or other student organizations; or ()

iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. ()

201. -- 299. (RESERVED)

300. PAYMENTS.

Payment of grant funds will be made to the district once the final award determinations are made. For grants awarded under Section 100, funds will be made to the district on behalf of the instructor. No later than June 30 of the fiscal year the grant was received, the district must submit a detailed expenditure report to the Division. Each report is subject to review and verification by the Division and must detail that all expenditures were allowable under the grant and that all funds were spent within the fiscal year. Any unspent grant funds must be returned to the Division. ()

301. APPEALS.

Any grant applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The grant applicant or recipient must appeal in writing no later than thirty (30) days following the announcement of the award, and the written statement must include the basis for the appeal. The appeal must be submitted to the administrator. The division shall acknowledge receipt of the appeal within seven (7) days.

The administrator may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) agricultural and natural resources professional. ()

01. Review. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the administrator within fifteen (15) days from the time the subcommittee receives the appeal document. The grant applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ()

02. Presentation. Following the subcommittee's decision, the administrator will present the subcommittee's recommendation to the board at the next regularly scheduled meeting of the board. The grant applicant or recipient initiating the appeal may, at the discretion of the board, be permitted to make a presentation to the board. ()

03. Final Decision. The decision of the board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the board. The board will inform the incentive grant applicant or recipient in writing of the decision of the board. ()

302. -- 999. (RESERVED)