

PENDING RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
Senate Education Committee
67th Idaho Legislature
Second Regular Session – 2024



Prepared by:

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

January 2024

SENATE EDUCATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 08 – STATE BOARD OF EDUCATION

08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

DOCKET NO. 08-0102-2301 (CHAPTER REPEAL)

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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, sine die, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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.

Recently enacted legislative amendments will sunset Section 33-4605, Idaho Code, on July 1, 2027. The recent legislation also eliminated new awards of the scholarship as of July 1, 2023. IDAPA 08.01.02 addresses only the application process and the initial scholarship award. As new awards are no longer allowed, the rule is no longer necessary. The intent of this rulemaking is to repeal this chapter of administrative rules as it will be considered null and void effective July 1, 2023, as a result of the changes in governing law.

There are no changes to the pending rule and it is being adopted as originally proposed. The proposed repeal was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 201](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586
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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 18, 2023.

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: Recently enacted legislative amendments will sunset Section 33-4605, Idaho Code, on July 1, 2023. The intent of this rulemaking is to repeal this chapter of administrative rules as it will be considered null and void effective July 1, 2023, as a result of the changes in governing law.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None

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 June 2023 Idaho Administrative Bulletin, [Volume 23-6, page 39](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

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 25, 2023.

DATED this 25th day of August, 2023.

IDAPA 08.01.02 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-2302

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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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, 33-4303, and 33-4304, 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.

Amendments would move the deadline for initial awards from July 1 to December 31 each year. This will ensure that applicants will be informed of multiple scholarships at the same time. The pending rule would also allow the Board to make awards pending financial need verification should student access to the Free Application for Federal Student aid (FAFSA) be delayed in a future year.

Additional amendments to the proposed rule have been made to include language in Subsection 302.01 regarding the number of credit hours an awardee must complete each year in order to be eligible to renew the scholarship in the next year.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, page 202-206](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

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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 Article IX, Section 2 of the Idaho Constitution and under sections 33-105, 33-4303, and 33-4304, 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 18, 2023.

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:

Amendments would move the deadline for initial awards from July 1 to December 31 each year. This will ensure that applicants will be informed of the Opportunity Scholarship and Launch Grant Program at the same time. The proposed rule would also allow the Board to make awards pending financial need verification should student access to the Free Application for Federal Student aid (FAFSA) be delayed in a future year.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None

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 2023 Idaho Administrative Bulletin, [Volume 23-7, page 15](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

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 25, 2023.

DATED this 25th day of August, 2023.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0113-2302

Italicized text indicates amendments to the proposed text as adopted in the pending rule.

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. (4-6-23)()~~

(BREAK IN CONTINUITY OF SECTIONS)

101. ELIGIBILITY.

~~Applicants must meet all of the eligibility requirements to be considered for the scholarship award. (4-6-23)~~

01. Academic Eligibility. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-6-23)

a. A student who has not yet graduated from an eligible 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 (4-6-23)

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 (4-6-23)

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. (4-6-23)

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. (4-6-23)

02. Financial Eligibility. The financial need of an applicant for an opportunity scholarship will be based upon ~~the verified expected family contribution~~ **Student Aid Index**, as identified by the free application for federal student aid (FAFSA) ~~Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the scholarship application deadline~~ **Submission Summary**. (4-6-23)()

03. Additional Eligibility Requirements. (4-6-23)

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. (4-6-23)

b. If a student has attempted or completed more than one hundred and twenty (120) postsecondary credits, then such student must identify a 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 credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (4-6-23)

i. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-6-23)

ii. Upon review of the student's academic transcript(s), the student cannot complete a degree/certificate in the major 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. (4-6-23)

102. -- 201. (RESERVED)

202. APPLICATION PROCESS.

01. 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. 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. The FAFSA must be completed on or prior to the application deadline unless federal delays prohibit an applicant from completing the FAFSA prior to the deadline. (4-6-23)()

02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than ~~June 1~~ December 31 of each year, with awards to be effective at the beginning of the first full term ~~following July 1 of that year of the next fiscal year.~~ Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcements s may be made after this date based on the availability of funds ~~and the acceptance rate of the initial awards.~~ (4-6-23)()

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 scholarship unless extenuating circumstances are involved and approved by the executive director or designee. (4-6-23)

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: (4-6-23)

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 an application to the Board earlier in time will be assigned a higher rank. (4-6-23)

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. (4-6-23)

02. Monetary Value of the Opportunity Scholarship. (4-6-23)

a. 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: (4-6-23)

i. The amount of the assigned student responsibility, established by the Board annually; (4-6-23)

ii. The amount of federal grant aid, as identified by the ~~Student Aid Report (SAR) that is~~ FAFSA Submission Summary if known at the time of award determination; (4-6-23)()

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-6-23)

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: (4-6-23)()

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; (4-6-23)

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and (4-6-23)

(3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. (4-6-23)

b. The amount of an opportunity scholarship award to an individual student shall not exceed the actual cost of tuition and fees at the 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. (4-6-23)

c. The Board may determine monetary value without the FAFSA Submission Summary if the delay is due only to federal delay and may modify any final award or payment upon receipt of the FAFSA Submission Summary. ()

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. (4-6-23)

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. (4-6-23)

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. (4-6-23)

04. New Scholarships for Community College. The Board may not award any new scholarship, excluding renewals, to any student attending community college on or after July 1, 2023. ()

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.~~ (4-6-23)

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~~ and the scholarship recipient attending a two (2) year ~~eligible public~~ postsecondary institution who accepted an award offer or renewed an award offer on or before June 30, 2023, 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. (4-6-23)()

02. 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), and must be maintaining satisfactory academic progress toward their identified postsecondary credential as determined by the institution they are enrolled in. 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. (4-6-23)

03. 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 thirty (30) 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 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 thirty (30) days prior to the start of the succeeding academic year. (4-6-23)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2301

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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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

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

The rulemaking will consider the removal of a duplicative reference to a satisfaction and engagement survey for alternative high schools. This rulemaking will also consider any technical edits identified as part of the negotiated rulemaking process.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 207-211](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
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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 Article IX, Section 2 of the Idaho Constitution and under sections 33-105, 33-116, 33-118, and 33-1612, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

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

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

The rulemaking will consider the removal of a duplicative satisfaction and engagement survey for alternative high schools. This rulemaking will also consider any technical edits identified as part of the negotiated rulemaking process.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None

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 June 2023 Idaho Administrative Bulletin, [Volume 23-6, page 46](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

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 25, 2023.

DATED this 25th day of August, 2023.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-2301

112. ACCOUNTABILITY.

School district, charter district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement. The state accountability framework will be used to meet both state and federal school accountability requirements and will be broken up by school category and include measures of student academic achievement and school quality as determined by the State Board of Education. In addition to those measures identified in the state accountability framework, all school categories will administer an annual satisfaction and engagement survey to parents, students, and teachers. (4-6-23)

- 01. School Category.** (3-15-22)
 - a.** Kindergarten through grade eight (K-8): Schools in this category include elementary and middle schools as defined in Subsection 112.05.f. (3-15-22)
 - b.** High Schools, not designated as alternative high schools, as defined in Subsection 112.05.f. (3-15-22)
 - c.** Alternative High Schools. (3-15-22)
- 02. Academic Measures.** (4-6-23)
 - a.** K-8, High School, and Alternative High School: (4-6-23)
 - i.** Idaho Standards Achievement Tests (ISAT) Proficiency. (3-15-22)
 - ii.** ISAT growth toward proficiency based on a trajectory model approved by the State Board of Education. At the high school and alternative high school level growth will be measured for students who remain in the testing cohort in both grade 8 and high school. (4-6-23)
 - iii.** ISAT proficiency gap closure. (3-15-22)
 - iv.** English Learners achieving English language proficiency. (3-15-22)
 - v.** English Learners achieving English language growth toward proficiency. (3-15-22)
 - b.** K-8 only: (4-6-23)
 - i.** Idaho statewide reading assessment proficiency as applicable to the grades served. (4-6-23)
 - c.** High School and Alternative High School specific: (4-6-23)
 - i.** Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)
 - ii.** Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)
- 03. School Quality Measures by School Category.** (3-15-22)
 - a.** K-8, High School, and Alternative High School: (4-6-23)
 - i.** Communication with parents on student achievement (4-6-23)
 - ii.** Chronic absenteeism (4-6-23)

- b.** K-8 Only (4-6-23)

 - i. Students in grade 8 enrolled in pre-algebra or higher. (3-15-22)
- c.** High School and Alternative High School: (4-6-23)

 - i. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. (3-15-22)
 - ii. Credit recovery and accumulation. (4-6-23)
- d.** High School only: (4-6-23)

 - i. Students in grade 9 enrolled in algebra I or higher. (3-15-22)
- ~~**e.** Alternative High School only: (4-6-23)~~
- ~~**i.** State satisfaction and engagement survey administered to parents, students, and teachers. (4-6-23)~~
- 04. Reporting.** Methodologies for reporting measures and determining performance will be set by the State Board of Education. (3-15-22)
- 05. Annual Measurable Progress Definitions.** For purposes of calculating and reporting progress, the following definitions shall be applied. (3-15-22)

 - a.** Annual Measurable Progress. (3-15-22)

 - i. The State Department of Education will make determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. (3-15-22)
 - ii. The State Board of Education will set long-term goals and measurements of interim progress targets toward those goals. The baseline for determining measurable student progress will be set by the State Board of Education and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-15-22)
 - b.** Full Academic Year (continuous enrollment). (3-15-22)

 - i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved progress in any statewide assessment used for determining proficiency. A student is continuously enrolled if the student has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. (3-15-22)
 - ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. (3-15-22)
 - iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved progress in any statewide assessment used for determining proficiency. (3-15-22)
 - c.** Participation Rate. (3-15-22)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved measurable progress in ISAT proficiency. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-15-22)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (3-15-22)

f. Graduation Rate. The graduation rate will be based on the rate of the cohort of students entering grade nine (9) during the same academic year and attending or exiting the school within a four (4) year or five (5) year period as applicable to the measure being determined. In determining the graduation cohort the school year shall include the students who complete graduation requirements prior to the start of the school district or charter schools next fall term. School districts may only report students as having graduated if the student has met, at a minimum, the state graduation requirements, pursuant to Section 105, and will not be returning to the school in following years to complete required academic course work. The State Board of Education will establish a target for graduation. All high schools must meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subgroups listed in Subsection 112.05.g. (3-15-22)

g. Additional Academic Indicator. The State Board of Education will establish a target for all additional academic and school quality measures. All schools must maintain or make progress toward the additional academic and school quality measure target each year. The additional academic and school quality measure targets will be disaggregated by the subpopulations listed in Subsection 112.05.g. (3-15-22)

IDAPA 08 – STATE BOARD OF EDUCATION
08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY
DOCKET NO. 08-0401-2301 (ZBR CHAPTER REWRITE)
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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-5504, 33-5505, 33-5507, and Chapter 55, 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 be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Additional amendments include restructured language in subsection 102.01, to allow comprehensive final projects to be allowable as an alternative to a traditional final course exam. Amendments also remove language from various sections to allow for governance at the IDLA policy level when possible.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 212-214](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

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

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 Article IX, Section 2 of the Idaho Constitution and under sections 33-5504, 33-5505, 33-5507, and Chapter 55, 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 18, 2023.

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 2020-01, this rulemaking will be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Additional amendments include the restructured language to subsection 102.01, to allow for proctored exams to be complete with the added discretion of the LEA, also added that an exam can be allowed as a comprehensive final project. Amendments to remove language from sections and add them to IDLA policy.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None

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 June 2023 Idaho Administrative Bulletin, [Volume 23-6, page 48](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

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 25, 2023.

DATED this 25th day of August, 2023.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 08-0401-2301

08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY

000. LEGAL AUTHORITY.

Sections 33-5504, 33-5505, and 33-5507, 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 governs behavior in a virtual environment by establishing guidelines for appropriate and inappropriate behavior, and establishing consequences of policy violation. AUP guidelines include those pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (one's own or someone else's), disrupting the school network, or importation of sexually explicit, drug-related, or other offensive materials into the virtual 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 complete, at the discretion of the LEA, either a comprehensive final exam at an approved site under proctored conditions or a comprehensive final project. ()

02. Student Work and Ethical Conduct. ()

a. IDLA's board of directors will adopt an acceptable use policy. ()

b. IDLA will provide students and parents a copy of the IDLA AUP prior to beginning each class. IDLA will investigate suspected policy violations and inform parents, students, and the local school district when a suspected case arises. ()

c. Acceptable use and behavior in a virtual environment is determined by local school district's policies and supplemented by the IDLA AUP. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. ()

d. In a case of violation of the AUP 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. ()

03. Academic Reporting. IDLA is required to submit periodic progress reports and final course grades for each student 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)

[Agency redlined courtesy copy]

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.~~ (3-15-22)()

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~~ virtual environment. ~~An Acceptable Use Policy outlines by establishing guidelines for~~ appropriate and inappropriate behavior, ~~including specific examples of inappropriate behavior as well as the~~ and establishing consequences of ~~violating the policy~~ violation. ~~Acceptable use AUP~~ guidelines include, ~~but are not limited to,~~ guidelines those pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (~~either their one's~~ own or someone else's), disrupting the ~~use of a~~ school network, or importation of sexually explicit, drug-related, ~~and or~~ other offensive materials into the ~~course~~ virtual environment. (3-15-22)()

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 complete, at the discretion of the LEA,~~ either a comprehensive final exam at an approved site under proctored conditions or a comprehensive final project. (3-15-22)()

02. **Student Work and Ethical Conduct.** ()

a. IDLAs board of directors will adopt an acceptable use policy. ()

ab. IDLA will ~~inform~~ provide students ~~in writing of the consequences of plagiarism~~ and parents a copy of the IDLA AUP prior to beginning each class. ~~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~~ policy violations and inform parents, students, and the local school district when a suspected case arises. (3-15-22)()

bc. Acceptable use and behavior in a ~~distance learning~~ virtual 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~~ and supplemented by the IDLA AUP. IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. (3-15-22)()

ed. In a case of violation of the ~~acceptable use policy~~ AUP 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. (3-15-22)()

~~4. 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. (3-15-22)~~

03. ~~Teacher Interaction~~ Academic Reporting. 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 for each student to the local school district for transcription to the student's academic record. (3-15-22)()

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 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-2301 (ZBR CHAPTER REWRITE)

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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

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 33-101, 33-105, 33-107, 33-1002G, 33-1629, and 33-2202 through 33-2212, 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 is being adopted in accordance with [Executive Order 2020-01](#), Zero-based rulemaking to remove any unnecessary language that duplicates language or provisions in Idaho Code; remove any unnecessary language and to make technical corrections and clarifications impacted by SB1070 (2023).

Two non-substantive amendments are being made to the pending rule to provide further clarification regarding charter school attendance areas and, to remove unnecessary language.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 763-766](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education 650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-758
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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 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 in 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 18, 2023.

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 2020-01](#), this rulemaking will be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None

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 June 2023 Idaho Administrative Bulletin, [Volume 23-6, page 86](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

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 25, 2023.

DATED this 25th day of August, 2023.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 55-0103-2301

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

000. LEGAL AUTHORITY.

Sections 33-1002G and 33-2202 through 33-2212, Idaho Code. ()

001. SCOPE.

These rules serve the administration of Career Technical centers 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 education program administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Subsection 015.04.b., and who oversees and monitors the career technical center 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. Concentrator Student. A student enrolled in the career technical education program capstone course. ()

04. Division. The Division of Career Technical Education. ()

05. 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. ()

06. 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. ()

07. Participation Data. The number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. ()

08. 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. ()

09. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical center 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 centers 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 Center Program. Each program of a career technical center shall: ()

- a. Deliver a sequence of career technical education courses that culminate in a capstone course. ()
- b. Develop and maintain business and industry partnerships in addition to the technical advisory committee. ()
- c. Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. ()
- d. 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. ()
- e. Promote the development of leadership. ()

103. APPLICATION PROCESS.

New and renewal applications for career technical center funding must be received by the Division on or before the fifteenth of April for the following fiscal year. ()

104. CAREER TECHNICAL CENTER ADDED COST UNIT FUNDING AND ELIGIBILITY.

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 earned credit hours reported by each school for intermediate, capstone, and work-based learning courses. Eligibility requirements based on student enrollment numbers are determined at the program level. Charter schools who have an established attendance area that overlaps with more than one school district high school boundary may report students as coming from the high school whose attendance zone they reside in for establishing the enrollment eligibility criteria. ()

105. CAREER TECHNICAL CENTER FUNDING CALCULATION.

The distribution of individual career technical center 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 will gather participation data from the independent technical skill assessment providers annually. ()

106. (RESERVED)

107. CAREER TECHNICAL CENTER UNIT FUND DISTRIBUTION.

01. Payment Distribution. Funds shall be distributed by the Division in two (2) payments on a timeline established by the Division. Funding may not be distributed to a center prior to the previous year enrollment units being reported and aggregate participation data being verified. ()

108. ACCOUNTABILITY.

01. Assessment Process. The Division shall develop an assessment process that includes measures and standards for career technical center programs. ()

02. Administrator Responsibility. The administrator of each career technical center shall be responsible to provide onsite administration of the career technical center. The administrator is responsible for all career technical center reports submitted to the Division. ()

109. -- 999. (RESERVED)

TEXT BELOW REPRESENTS THE REDLINE VERSION OF THIS RULEMAKING
Italicized text indicates amendments to the proposed text as adopted in the pending rule.

55.01.03 – RULES OF CAREER TECHNICAL ~~SCHOOLS~~ CENTERS

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 (Sections 33-1002G and 33-2202 through 33-2212, Idaho Code).~~ (3-31-22)()

001. SCOPE.

These rules serve the administration of Career Technical ~~schools~~ centers in Idaho and define the duties of the State Division of Career Technical Education. (3-31-22)()

002. -- 004. (RESERVED)

005. DEFINITIONS.

01. **Administrator.** A designated school administrator, holding a career technical education program administrator certificate pursuant to IDAPA 08.02.02, “Rules Governing Uniformity,” Section 015.04.b, and who oversees and monitors the career technical ~~school~~ center programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-31-22)()

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.~~ (3-31-22)

04. **Concentrator Student.** A ~~junior or senior~~ student enrolled in the career technical education program capstone course. (3-31-22)()

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.~~ (3-31-22)

06. **EDUID** Division. ~~Education Unique Identifier~~ The Division of Career Technical Education. (3-31-22)()

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 Data.~~ Data. ~~The total~~ number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. (3-31-22)()

~~408.~~ **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. ()

~~409.~~ **Work-based Learning Course.** A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical ~~School~~ **center** 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. (3-31-22)()

006. -- 101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. **Program Criteria.** Career technical ~~schools~~ **centers** 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. (3-31-22)()

02. **Career Technical ~~School~~ Center Program.** Each program of a career technical ~~school~~ **center** shall: (3-31-22)()

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.~~ (3-31-22)

~~b.~~ **b.** Develop and maintain business and industry partnerships in addition to the technical advisory committee. ()

~~c.~~ **c.** Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. ()

~~d.~~ **d.** 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.~~ (3-31-22)()

~~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.~~ (3-31-22)

~~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.~~ (3-31-22)

~~h.~~ **h.** Promote the development of leadership. ()

103. APPLICATION PROCESS.

New and renewal applications for career technical ~~school~~ **center** funding must be received by the Division ~~of Career Technical Education~~ on or before the fifteenth of April for the following fiscal year. (3-31-22)()

104. **CAREER TECHNICAL ~~SCHOOL~~ CENTER 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 earned 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.~~ Eligibility requirements based on student enrollment numbers are determined at the program level. Charter schools who have an established attendance area that overlaps with more than one school district high school boundary may report students as coming from the high school whose attendance zone they reside in for establishing the enrollment eligibility criteria. (3-31-22)(____)

105. CAREER TECHNICAL ~~SCHOOL CENTER~~ FUNDING CALCULATION.

The distribution of individual career technical ~~school center~~ 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. (3-31-22)(____)

106. (RESERVED)

107. CAREER TECHNICAL ~~SCHOOL CENTER~~ 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.~~ (3-31-22)

01. Payment Distribution. ~~Added cost support unit~~ Funds shall be distributed by the Division ~~of Career Technical Education~~ in two (2) payments on a timeline established by the Division. (3-31-22)

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 may not be distributed until to a center prior to the previous year enrollment units are being reported and the Division of Career Technical Education has verified aggregate participation data being verified.~~ (3-31-22)(____)

b. ~~The remaining funds shall be distributed no later than June 30th.~~ (3-31-22)

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 center~~ programs. (3-31-22)(____)

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.~~ (3-31-22)

03. Administrator Responsibility. The administrator of each career technical ~~school center~~ shall be responsible to provide onsite administration of the career technical ~~school center~~. The administrator ~~will submit all required career technical school reports requested by the~~ is responsible for all career technical center reports submitted to the Division of Career Technical Education. (3-31-22)(____)

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.~~ (3-31-22)

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.~~ (3-31-22)

109. -- 999. (RESERVED)

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

DOCKET NO. 55-0104-2301 (ZBR CHAPTER REWRITE)

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 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1629, 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 is being adopted in accordance with [Executive Order 2020-01](#), Zero-based rulemaking to remove any unnecessary language that duplicates language or provisions in Idaho Code; and remove any unnecessary language.

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 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 767-772](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Not applicable to this rulemaking.

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 Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

DATED this 13th day of November, 2023.

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

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 Article IX, Section 2 of the Idaho Constitution and under sections 33-1629, 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 18, 2023.

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 2020-01](#), this rulemaking will be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: None

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 June 2023 Idaho Administrative Bulletin, [Volume 23-6, page 88](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@osbe.idaho.gov or (208)-488-7586.

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 25, 2023.

DATED this 25th day of August, 2023.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 55-0104-2301

**55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS
AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS**

000. LEGAL AUTHORITY.

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 program 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 annually. ()

a. Programs and instructors will be assessed by the division. ()

b. Instructors must teach in an approved agricultural and natural resources program in grades nine (9) through twelve (12). ()

02. Application Process. The application process consists of a formal application and assessment. ()

a. To be considered for the grant, applications must be submitted electronically to the division no later than the timeline specified by the division. ()

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 and complete a full evaluation. ()

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. Grant awarded will be based on 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. ()

b. Grants are awarded on an annual basis and are not transferable. ()

c. 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. ()

d. 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 and on behalf of the students participating in the eligible program for travel related to field trips and student organization activities; ()

ii. Purchase or repair equipment; or ()

iii. Purchase educational supplies/curricula. ()

e. 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. ()

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 or district administrator, must be submitted to the division according to the timeline established by the administrator. ()

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. ()

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. 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 Start-up Grant 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. ()

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. ()

301. -- 999. (RESERVED)

TEXT BELOW REPRESENTS THE REDLINE VERSION OF THIS RULEMAKING
Italicized text indicates amendments to the proposed text as adopted in the pending rule.

**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.

~~(3-31-22)~~()

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~~ program 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.

~~(3-31-22)~~()

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~~ annually.

~~(3-31-22)~~()

~~**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.~~

~~(3-31-22)~~

~~**ba.** 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 and instructors will be assessed by the division.~~

~~(3-31-22)~~()

~~e.b.~~ Instructors must teach in an approved 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~~ program in grades nine (9) through twelve (12). (3-31-22)()

~~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. (3-31-22)

~~e.~~ Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program. (3-31-22)

~~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. (3-31-22)

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~~ must 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.~~ (3-31-22)()

~~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 and complete a full evaluation. ~~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.~~ (3-31-22)()

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. (3-31-22)

~~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:~~ (3-31-22)

~~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.~~ (3-31-22)

~~ii. Grants awarded will be awarded using based on 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.~~ (3-31-22)()

~~eb. Grants are awarded on an annual basis and are not transferable.~~ ()

~~dc. 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.~~ ()

~~ed. 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 and on behalf of the students participating in the eligible program for travel related to field trips and student organization activities;~~ (3-31-22)()

~~ii. Purchase or repair equipment; or~~ ()

~~iii. Purchase educational supplies/curricula.~~ ()

~~fe. 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.~~ (3-31-22)

~~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. (3-31-22)~~

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 or district administrator, 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. (3-31-22)()~~

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. (3-31-22)~~

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. (3-31-22)()

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 Start-up Grant awards should the program terminate and then be re-established. (3-31-22)()

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.~~ (3-31-22)()

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.~~

(3-31-22)()

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.~~

(3-31-22)

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.~~

(3-31-22)

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.~~

(3-31-22)

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.~~

(3-31-22)

302.1. -- 999. (RESERVED)