

**EDUCATION COMMITTEE**  
**ADMINISTRATIVE RULES REVIEW**  
*Table of Contents*  
**2014 Legislative Session**

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

***08.01.05 - Idaho Promise Scholarship Program***  
Docket No. 08-0105-1301 (Chapter Repeal) .....3  
LSO Rules Analysis Memo

***08.01.06 - Leveraging Education Assistance Partnership Program***  
Docket No. 08-0106-1301 (Chapter Repeal) .....6  
LSO Rules Analysis Memo

***08.01.09 - Rules Governing the GEAR UP Idaho Scholarship Program***  
Docket No. 08-0109-1301 .....9  
LSO Rules Analysis Memo

***08.01.12 - Idaho Minority and “At-Risk” Student Scholarship Program***  
Docket No. 08-0112-1301 (Chapter Repeal) .....20  
LSO Rules Analysis Memo

***08.01.13 - Rules Governing the Opportunity Scholarship Program***  
Docket No. 08-0113-1301 .....23  
LSO Rules Analysis Memo

***08.02.01 - Rules Governing Administration***  
Docket No. 08-0201-1301 .....36  
LSO Rules Analysis Memo

Docket No. 08-0201-1302 .....40  
LSO Rules Analysis Memo

***08.02.02 - Rules Governing Uniformity***  
Docket No. 08-0202-1301 .....45  
LSO Rules Analysis Memo

Docket No. 08-0202-1302 .....59  
LSO Rules Analysis Memo

Docket No. 08-0202-1303 .....63  
LSO Rules Analysis Memo

Docket No. 08-0202-1304 .....67  
LSO Rules Analysis Memo

Docket No. 08-0202-1305 .....72  
LSO Rules Analysis Memo

Docket No. 08-0202-1306 .....82  
LSO Rules Analysis Memo

<b>08.02.02 - Rules Governing Uniformity</b>	
Docket No. 08-0202-1307 .....	85
LSO Rules Analysis Memo	
Docket No. 08-0202-1308 .....	90
LSO Rules Analysis Memo	
<b>08.02.03 - Rules Governing Thoroughness</b>	
Docket No. 08-0203-1301 .....	104
LSO Rules Analysis Memo	
Docket No. 08-0203-1303 .....	108
LSO Rules Analysis Memo	
Docket No. 08-0203-1306 .....	111
LSO Rules Analysis Memo	
Docket No. 08-0203-1307 .....	121
LSO Rules Analysis Memo	
<b>08.02.04 - Rules Governing Public Charter Schools</b>	
Docket No. 08-0204-1301 .....	124
LSO Rules Analysis Memo	
<b>08.03.01 - Rules of the Public Charter School Commission</b>	
Docket No. 08-0301-1301 .....	144
LSO Rules Analysis Memo	

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

**08.01.05 - IDAHO PROMISE SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0105-1301 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, and Title 33, Chapter 43, 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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire Chapter of Administrative Rule.

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 August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 42](#).

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-105, Idaho Code, and Title IV, Part a, Subpart 4 of the Higher Education Act of 1955.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire chapter of Administrative Rule.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Funds previously allocated to this program will be redirected to the Opportunity Scholarship Program.

**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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 27](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28,

2013.

DATED the 7th day of June, 2013.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0105-1301**

**IDAPA 08.01.05 IS BEING REPEALED IN ITS ENTIRETY**

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

**08.01.06 - LEVERAGING EDUCATION ASSISTANCE PARTNERSHIP PROGRAM**

**DOCKET NO. 08-0106-1301 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code, and Title IV, Part a, Subpart 4 of the Higher Education Act of 1955.

**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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire Chapter of Administrative Rule, bringing it into alignment with the changes made to statute.

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 August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 43](#).

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-105, Idaho Code, and Title IV, Part a, Subpart 4 of the Higher Education Act of 1955.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire chapter of Administrative Rule.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Funds previously allocated to this program will be redirected to the Opportunity Scholarship Program.

**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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 28](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28,

2013.

DATED the 7th day of June, 2013.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0106-1301**

**IDAPA 08.01.06 IS BEING REPEALED IN ITS ENTIRETY**

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

**08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0109-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. As part of the review and evaluation process prior to the consolidation of the state funded scholarships, it was discovered that there were some technical errors contained in the Administrative rule governing the GEARUP Scholarship program. The GEARUP Scholarship is available to students who participated in the GEARUP program's early intervention component in grades 7 through 10. Specific changes include clarifying the definition of Educational Costs, when a student may apply, aligning the application date with the timeframe students complete the FAFSA, and removing unnecessary language regarding the reassignment of funds.

The amendments made to the proposed rule are to provide additional clarity to the initial application process, the selection of recipients, and continuing eligibility requirements.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 44 through 50](#).

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. As part of the review and evaluation process prior to the consolidation of the state funded scholarships it was discovered that there were some technical errors contained in the Administrative rule governing the GEARUP Scholarship program. The GEARUP Scholarship is available to students who participated in the GEARUP program's early intervention component in grades 7 through 10. Specific changes include clarifying the definition of Educational Costs, when a student may apply, aligning the application date with the timeframe students complete the FAFSA, and removing unnecessary language regarding the reassignment of funds.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be no fiscal impact from these changes.

**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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 29](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED the 7th day of June, 2013.

## LSO Rules Analysis Memo

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0109-1301**

### 010. DEFINITIONS.

~~01. **Dependable Strengths Report.** A tool available on the Idaho Career Information System that assists students in assessing skills and abilities as they relate to career choices and options. Dependable Strengths is accessed via My CIS Portfolio. (3-29-12)~~

021. **Educational Costs.** Student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and other expenses reasonably related to attendance a postsecondary educational institution. This cost is determined by the postsecondary institution the student attends and is the institution's published cost of attendance for the academic year for which the student is attending. (3-29-12)(    )

032. **Eligible Institution.** (3-29-12)

a. A public postsecondary educational institution governed or supervised by the Board, or a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code; or (3-29-12)

b. Any educational organization located in Idaho that is: (3-29-12)

- i. Operated privately; and ~~(3-29-12)~~( )
  - ii. Classified as not-for-profit under ~~the~~ Idaho Code; and ~~(3-29-12)~~( )
  - iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and (3-29-12)
  - iv. Accredited by an organization recognized by the Board, as provided in section 33-2402, Idaho Code. (3-29-12)
  - v. Eligible for receipt of federal financial aid funding. (3-29-12)
- 043. Eligible Student.** A student who: (3-29-12)
- a. Is an Idaho resident, as defined in Section 33-3717B or 33-2110B, Idaho Code, as applicable to the institution the student is applying to, and who has participated in the early intervention component (7th through 10th grade) of the GEAR UP Idaho program and who has or will graduate from an accredited high school or equivalent in Idaho as determined by the Board in 2012, 2013, or 2014; ~~(3-29-12)~~( )
  - b. Has enrolled or applied as a full-time student in an eligible institution for a minimum of twenty-four (24) credit hours in an academic year. (3-29-12)
- 054. Administrator.** The Executive Director of the Idaho State Board of Education or his designee. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. ELIGIBILITY.**

- 01. Eligible Student.** An applicant must be ~~an eligible student and~~ less than twenty-two (22) years of age at the time the student first receives a scholarship award. ~~(3-29-12)~~( )
- 02. Undergraduate Student.** An ~~eligible student~~ applicant must be enrolled full-time in an undergraduate program at an eligible institution. A student enrolled in an undergraduate program is eligible for consideration for a scholarship award, even if some of the student's courses are at the graduate level. ~~(3-29-12)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. APPLICATION PROCESS.**

**01. Initial Applications.** (3-29-12)

a. An ~~eligible student who has not yet graduated from an accredited high school or its equivalent in the state of Idaho~~ applicant must complete and submit the GEAR UP Idaho Scholarship Application to the Board electronically on or before the date specified in the application, but not later than ~~January 15th~~ March 1 of the year the student will graduate from a secondary school or its equivalent. An applicant without electronic capabilities may receive assistance in completing the electronic application from a high school counselor or from State Board of Education scholarship staff ~~and~~. The application may also be submitted to the GEAR UP Idaho Scholarship Administrator through the United States Postal Service, which must be postmarked ~~not~~ later than ~~January 15th~~ March 1. (3-29-12)(    )

b. An applicant must complete and submit the Free Application for Federal Student Aid (FAFSA) on or before ~~February 15th~~ March 1 of the year student will graduate from secondary school or its equivalent. (3-29-12)(    )

~~c. An applicant must submit with his or her application a copy of the applicant's Dependable Strengths Report or in lieu of submitting the applicant's Dependable Strengths Report an applicant may submit a one-page essay on the topic "My Unique Dependable Strengths." (3-29-12)~~

**02. Announcement of Award.** Announcement of ~~the award of initial scholarships for the 2012–2013 academic year will be made no later than May 15, 2012, with awards to be effective at the beginning of that academic year. The announcement of award recipients in future academic years~~ recipients will be made no later than May 1. (3-29-12)(    )

**03. Communication with State Officials.** Applicants ~~for initial scholarships~~ must respond ~~by the date specified~~ to any communication from officials of the GEAR UP Idaho Program by the date specified. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship ~~unless extenuating circumstances are involved~~. (3-29-12)(    )

**201. -- 299. (RESERVED)**

**300. SELECTION ~~OF SCHOLARSHIP RECIPIENTS~~ CRITERIA.**

~~Applications will be reviewed and awards selected based on financial need, hours of participation in the GEAR UP program and academic preparation based on a combination of the ACT score and cumulative high school grade point average (GPA). Priority will be given to applicants who are eligible to receive Pell grant funding, as determined by the Free Application for Federal Student Aid (FAFSA).~~ (3-29-12)

**01. Academic Eligibility.** (3-29-12)

a. Applicants for the GEAR UP Idaho scholarship are ~~selected~~ granted as recipients, in part, on the basis of their academic performance. The ~~student~~ applicant's ~~high school GPA and ACT composite~~ or SAT combined reading and math score are ~~weighed equally~~ used to determine

an applicant's academic rank.

~~(3-29-12)~~(    )

- b. The academic ranking constitutes twenty percent (20%) of the selection ranking. (3-29-12)

~~e. Grade point average (GPA). An eligible student's unweighted GPA will be used to determine the GPA value. (3-29-12)~~

~~d. ACT Composite or SAT combined reading and math Score. Academic applicants must take the ACT or SAT reading and math exam. The highest composite score from any single test administration taken prior to the application deadline of January 15 will be considered. Applicants will be ranked against other applicants based upon the ACT composite score. (3-29-12)~~

~~(3-29-12)~~(    )

**02. Financial Eligibility.** (3-29-12)

a. Applicants for GEAR UP Idaho scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The primary tool ~~that will be used by the GEAR UP Scholarship Program officials~~ to determine financial need will be the federal FAFSA, used by the United States Department of Education ~~to determine eligibility for financial aid and an expected family's contribution (EFC) to a student's postsecondary education.~~ The financial need of an applicant for a GEAR UP scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report. (3-29-12)

~~(3-29-12)~~(    )

b. The financial need factor, as determined by FAFSA, will constitute sixty percent (60%) of the weighting for the selection of recipients of GEAR UP scholarships. (3-29-12)

**03. Participation Eligibility.** (3-29-12)

a. Applicants for GEAR UP Idaho scholarships must have attended or is attending a school participating in the GEAR UP Idaho program and are selected in part on the basis of their participation in GEAR UP activities. (3-29-12)

~~(3-29-12)~~(    )

~~e. Participation is reported in hours. Participation is determined based upon the hours a GEAR UP applicant participated in available GEAR UP early intervention program activities offered at their school. Applicants will be compared to other applicants from the same school. GEAR UP participation hours shall be provided by the GEAR UP school the student participated in. (3-29-12)~~

~~(3-29-12)~~(    )

~~b. The participation factor will shall constitute twenty percent (20%) of the selection ranking. (3-29-12)~~

~~(3-29-12)~~(    )

301. -- 399. (RESERVED)

**400. GEAR UP IDAHO SCHOLARSHIP AWARD.**

**01. Distribution.** GEAR UP Idaho scholarships will be awarded at each GEAR UP

school that has participated in the GEAR UP Idaho program, with distribution based on school population in relation to the over-all state GEAR UP population. ~~(3-29-12)~~( )

**02. Monetary Value of the Gear Up Idaho Scholarship.** (3-29-12)

**a.** The monetary value of the GEAR UP Idaho scholarship award ~~to a student is set at the maximum amount of the Federal Pell Grant as established by the Federal government for the given year~~ shall be determined based on a student's financial need, academic merit, and participation factor. ~~(3-29-12)~~( )

**b.** If the applicant is awarded a Pell Grant, the minimum award shall not be less than the applicant's Pell Grant award. ( )

**bc.** The total amount of financial aid from all sources shall not exceed the student's total educational costs. (3-29-12)

**03. Payment.** Payment of scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible 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. (3-29-12)

**04. 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 covers up to one (1) educational year or equivalent for attendance at an eligible institution. ~~Request for part-time study must have prior authorization by the GEAR UP Idaho administrator, and if granted, scholarship awards will be reduced proportionally.~~(3-29-12)( )

**05. Eligibility.** If a student receives a scholarship payment and it is later determined that the student did not meet all of the eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible institution's refund policy. (3-29-12)

**401. -- 499. (RESERVED)**

**500. CONTINUING ELIGIBILITY.**

To remain eligible for renewal of a GEAR UP Idaho scholarship, the recipient must comply with all of the provisions of the GEAR UP Idaho Program and these rules, in addition to the following requirements: (3-29-12)

**01. Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. A completed application for the renewal of a GEAR UP Idaho scholarship must be submitted to the Board electronically by the date established on the application, but not later than ~~January 30~~ March 1. An applicant without electronic capabilities may submit an application on the form established by the GEAR UP Idaho Program administrator through the United States Postal Service, which must be postmarked no later than ~~January 30~~ March 1. In addition, a

scholarship recipient must update and submit the FAFSA on or prior to ~~February 15~~ March 1.  
(3-29-12)( )

**02. Credit Hours.** To remain eligible for renewal of a scholarship award, the scholarship recipient must be enrolled as a full-time student and have completed a minimum of twenty-four (24) credit hours or its equivalent for the academic year in which the student received a scholarship award. ~~A student must be enrolled in full-time study each term unless prior approval by the program administrator is granted to attend part-time. If a student does not receive a minimum of twelve (12) credit hours in a term, they may not receive the second semester award without seeking approval from the scholarship administrator.~~  
(3-29-12)( )

**03. Satisfactory Academic Progress.** To remain eligible for renewal of a scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point zero (2.0) on a scale of four point zero (4.0) during the time that the recipient received an award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled.  
(3-29-12)( )

**04. Transfer Students.** Scholarship recipients who transfer to another eligible institution remain eligible for scholarship renewal and must inform the administrator no later than March 1 following the transfer.  
(3-29-12)( )

**05. Maximum Scholarship Award.** The award of a GEAR UP Idaho scholarship shall not exceed the equivalent of eight (8) continuous semesters or the equivalent of four (4) continuous academic years.  
(3-29-12)

501.-- 599. (RESERVED)

## 600. MISCELLANEOUS PROVISIONS.

~~**01. Interruption of Enrollment.** A scholarship recipient who requests to take leave from and interrupt enrollment at an eligible institution must submit a letter of intent to interrupt continuous enrollment to the GEAR UP Idaho administrator no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Requests can only be made after the completion of one (1) full academic year. Failure to do so may result in forfeiture of any continuing scholarship eligibility. The administrator 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 administrator declaring his intent to re-enroll as a full-time undergraduate student at an eligible 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. If a leave request is granted, the total time that the scholarship will be available to the student shall not exceed the four (4) academic years immediately following the student's graduation from secondary school or its equivalent. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of~~

the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-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. 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 state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (3-29-12)(    )

~~02. Reassignment of Scholarships in Case of Discontinuance or Termination. If a scholarship recipient enrolled in an eligible institution permanently withdraws or is dismissed prior to completion of his or her four (4) academic year scholarship eligibility term, then the GEAR UP Idaho administrator may award the scholarship to another eligible GEAR UP applicant (an alternate recipient) in the same application year. If there are no other alternates from that year, then the administrator may award the scholarship to another qualifying GEAR UP applicant. In the event that an award is made to an alternate recipient, then this new student shall assume the vacant scholarship of the Idaho GEAR UP student who has withdrawn or was dismissed. However, such student shall only receive the benefits of this scholarship for the remaining years of eligibility for the GEAR UP scholarship recipient who withdrew or was dismissed prior to completion of the scholarship eligibility term.~~ (3-29-12)

~~03. Reassignment in Case of Leave of Absence. If a GEAR UP scholarship recipient enrolled in an eligible institution requests and is granted a leave of absence during his or her four (4) academic year scholarship eligibility term, then the GEAR UP Idaho administrator may award the scholarship to another eligible GEAR UP applicant (an alternate recipient) from the same application year for the duration of the leave period. If there are no other alternates from that year, then the administrator may award the scholarship to another qualifying GEAR UP applicant. In the event that an award is made to an alternate recipient, then this new student shall assume the vacant scholarship of the Idaho GEAR UP student who is on an approved leave. However, such student shall only receive the benefits of this scholarship for the term of the leave.~~ (3-29-12)

601. -- 699. (RESERVED)

## 700. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. **Statements of Continuing Eligibility.** An eligible institution participating in this GEAR UP Idaho Scholarship Program must submit statements of continuing student eligibility to the GEAR UP Idaho administrator by the 30th day after the end of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (3-29-12)(    )

**02. Other Requirements.** An eligible institution must: (3-29-12)

**a.** Be eligible to participate in Federal Title IV financial aid programs, and must provide prompt notification regarding any changes in this status to the State Board of Education; (3-29-12)

**b.** Provide data on student enrollment and federal, state, and private financial aid for students to the ~~GEAR UP Idaho~~ administrator; and ~~(3-29-12)~~( )

**c.** Agree to permit periodic GEAR UP Idaho Scholarship Program audits to verify compliance with these rules. (3-29-12)

**701. ADMINISTRATION.**

The ~~GEAR UP Idaho~~ administrator is responsible for: ~~(3-29-12)~~( )

**01. Information.** Releasing any public information regarding the GEAR UP Idaho Scholarship Program; (3-29-12)

**02. Recipient Determination.** Determination of scholarship recipients; (3-29-12)

**03. Payment Procedures.** Determination of procedures for payment of scholarships to recipients; (3-29-12)

**04. Accounting.** Maintaining fiscal controls and accounting procedures; (3-29-12)

**05. Program Management.** Authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (3-29-12)

**703. -- 799. (RESERVED)**

**800. APPEALS.**

Any scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The ~~opportunity~~ scholarship applicant or recipient must appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the scholarship applicant or recipient believes the decision should be changed. The appeal must be submitted to the ~~GEAR UP Idaho~~ administrator, who must acknowledge receipt of the appeal within seven (7) days. The ~~GEAR UP Idaho~~ administrator shall forward the appeal to the President of the Board. The Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. ~~(3-29-12)~~( )

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

appeal and will be allowed to appear before the subcommittee to discuss the appeal.

~~(3-29-12)~~( )

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

~~(3-29-12)~~( )

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

~~(3-29-12)~~( )

**801. -- 999. (RESERVED)**

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

**08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0113-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, and Title 33, Chapter 46, 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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed changes will bring the rule into alignment with the amended sections of Idaho Code. Specific changes include removing redundant language that is contained in Idaho Code, clarifying residency for tuition purposes, student eligibility, academic eligibility, and streamlining the renewal application process.

The amendments have been made to the academic eligibility and continuing eligibility requirements for applicants, and the deadline for submitting applications. Clarifying language was added to specify that the grade point average used shall be the cumulative grade point average and how the monetary value of the award will be calculated.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, **Vol. 13-8, page 52 through 60**.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-105, and Title 33, Chapter 46, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed changes will bring the rule into alignment with the amended sections of Idaho Code. Specific changes include removing redundant language that is contained in Idaho Code, clarifying residency for tuition purposes, student eligibility, academic eligibility, and streamlining the renewal application process.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be no fiscal impact from these changes.

**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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 32](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED the 7th day of June, 2013.

## LSO Rules Analysis Memo

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0113-1301**

### 010. DEFINITIONS.

~~01. **Educational Costs.** Is defined in Section 33-5604(1), Idaho Code and means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, room and board, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution. (4-2-08)~~

~~02. **Eligible Idaho Postsecondary Educational Institution.** Is defined in Section 33-5604(2), Idaho Code, and means: (4-2-08)~~

~~a. A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code, or the state board for professional technical education; or (4-2-08)~~

~~b. Any educational organization located in Idaho which is: (4-2-08)~~

~~i. Operated privately; (4-2-08)~~

~~ii. Classified as not-for-profit under the Idaho Code; (4-2-08)~~

~~iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and (4-2-08)~~

~~iv. Accredited by an organization recognized by the state board, as provided in Section 33-2402, Idaho Code. (4-2-08)~~

~~03. **Eligible Student.** Is defined in Section 33-5604(3), Idaho Code, and means a student who: (4-2-08)~~

~~a. Is an Idaho resident; (4-2-08)~~

~~b. Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board; (4-2-08)~~

~~c. Has enrolled or applied as a full-time student to an eligible Idaho postsecondary educational institution; and (4-2-08)~~

~~d. Is pursuing an undergraduate degree, certificate, or diploma. (4-2-08)~~

~~04. **Financial Eligibility.** Is defined in Section 33-5604(4), Idaho Code, and means the extent of a person's inability to meet the educational costs associated with attending an eligible Idaho postsecondary educational institution through a model of shared responsibility, taking into account the required and expected contributions of such person's parents, family and personal resources. (4-2-08)~~

**051. Grade Point Average or (GPA).** Means the average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (4-2-08)(    )

~~06. **Opportunity Scholarship Program.** Is defined Section 33-5604(5), Idaho Code and means the scholarship program described in Title 33, Chapter 56, Idaho Code, and these rules. (4-2-08)~~

**011. -- 099100.(RESERVED)**

~~**100. OBJECTIVES OF THE OPPORTUNITY SCHOLARSHIP PROGRAM.**~~

~~The legislature has recognized and declared an intent to create a scholarship fund to provide financial resources to Idaho students who are economically disadvantaged to close the gap between the estimated cost of attending an eligible Idaho institution of higher education and the expected student and family contribution toward such educational costs, and to encourage the educational development of such students in eligible Idaho postsecondary educational institutions. These rules set forth academic and financial eligibility requirements and other criteria for purposes of awarding opportunity scholarships. (4-2-08)~~

**101. ELIGIBILITY.**

~~**01. Idaho Resident.** An eligible student must be an Idaho resident, as defined in Section 33-3717, Idaho Code, and IDAPA 08.01.04, "Residency Classification," Subsection 005.01. (4-2-08)~~

**021. Undergraduate Student.** An eligible student must be pursuing ~~an~~ their first undergraduate certificate or degree, ~~certificate, or diploma~~. A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. (4-2-08)(    )

**032. Academic Eligibility.** (4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their cumulative GPA. ~~An eligible student's GPA will constitute thirty percent (30%) of the weighting for the selection of recipients of opportunity scholarships.~~ (4-2-08)(    )

b. To be eligible ~~to apply~~ for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-2-08)(    )

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be academically eligible to apply for an opportunity scholarship. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student. (4-2-08)(    )

ii. A student who has obtained a general equivalency diploma must have taken the ACT assessment ~~examination administered by the College Board (ACT)~~, and received a minimum composite score of twenty (20) or better, or the equivalent SAT *I* assessment ~~examination (SAT I) with an equivalent weighted score~~ and received a nine hundred fifty (950) or better, to be academically eligible to apply for an opportunity scholarship. (4-2-08)(    )

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of ~~two~~ three point zero (23.0) 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. (4-2-08)(    )

~~e. The following additional criteria shall be used to determine an eligible student's GPA:~~ (4-2-08)

~~i. A student who has not yet graduated from secondary school and who has earned more than twelve (12) credits of postsecondary academic credit for purposes of academic eligibility, the student's GPA shall be the higher of his or her secondary school GPA, or his or her postsecondary GPA, weighted to equalize secondary and postsecondary academic performance.~~ (4-2-08)

~~ii. A student who has obtained a general equivalency diploma for purposes of academic eligibility, such student's GPA will be determined by the student's ACT score, equalized to reflect a secondary school GPA.~~ (4-2-08)

~~iii. A student currently enrolled in an eligible Idaho postsecondary educational institution for purposes of academic eligibility, such student's GPA will be weighted to equalize secondary and post secondary academic performance. (4-2-08)~~

**043. Financial Eligibility.** (4-2-08)

~~a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The primary tool that will be used by Opportunity Scholarship Program officials to determine financial need will be the federal Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education to determine eligibility for financial aid and a family's expected contribution to a student's postsecondary education. The financial need of an applicant for an opportunity scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the March 1 application deadline. (4-2-08)( )~~

~~b. The financial need factor, as determined by FAFSA, will constitute seventy percent (70%) of the weighting for the selection of recipients of opportunity scholarships. (4-2-08)~~

**054. Additional Eligibility Requirements.** (4-2-08)

~~a. A student who has not yet graduated from high school, or its equivalent, in the state of Idaho must be at least in his junior year to be eligible to apply for an opportunity scholarship. (4-2-08)~~

~~b. To be eligible to receive an opportunity scholarship, an eligible student must: (4-2-08)~~

~~i. Have taken the ACT assessment examination, or the equivalent SAT I assessment examination, or the Writing Skills, Reading Skills, and Algebra areas of the ACT Compass examination; (4-2-08)~~

~~ii. Be enrolled full-time in an eligible Idaho postsecondary educational institution; (4-2-08)~~

~~and~~  
~~iii. Be pursuing an undergraduate degree, certificate, or diploma. (4-2-08)~~

~~e. A student must accept all federal grant aid that is made available to such student to be eligible to receive an Idaho opportunity scholarship. (4-2-08)~~

~~da. To be eligible to receive an opportunity scholarship, the 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. (4-2-08)( )~~

~~eb. If a student has attempted or completed more than one hundred (100)~~

postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. (4-2-08)(    )  
A student shall not be eligible for an opportunity scholarship if:

i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an opportunity scholarship; (4-2-08)

ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-2-08)

iii. ~~The student is not within two (2) semesters of graduation in such major; Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters~~ based on normal academic course load. (4-2-08)(    )

~~**06: Student Responsibility.** The Board will, by resolution each year, establish the annual amount of the expected student contribution toward his education through employment or other contributions (student responsibility). It is expected that a student will contribute an amount equal to a student working a minimum of twenty (20) hours per week during the time that a postsecondary educational institution is in session, and a minimum of forty (40) hours per week during the summer recess. This expectation will be one (1) of the factors the Board will use to set the amount of student responsibility. The Board may consider other factors as well, such as summer living expenses, and transition time between the academic year and the summer, as examples.~~ (4-2-08)

**102. -- 2001. (RESERVED)**

~~**201: APPLICATION PROCESS (EFFECTIVE JULY 1 THROUGH DECEMBER 31, 2007).**~~

~~**01: Initial Applications.**~~ (4-2-08)

~~**a:** An eligible student who has enrolled in an eligible Idaho postsecondary educational institution for the 2007–2008 academic year, and who completed and submitted the FAFSA on or prior to March 1, 2007, shall be eligible for consideration for an opportunity scholarship award for the 2007–2008 academic year. Eligible Idaho postsecondary educational institutions shall transmit to the Board enrolled students who meet the eligibility requirements of these rules.~~ (4-2-08)

~~**b:** After this selection process is performed, eligible students will be contacted by Opportunity Scholarship Program officials and must agree to the terms of the program, including these rules, by signing and electronically submitting an application to the Board.~~ (4-2-08)

~~**02: Announcement of Award.** Announcement of the award of initial scholarships for the 2007–2008 academic year will be made no later than September 30, 2007, with awards to be~~

*effective at the beginning of that academic year.* (4-2-08)

~~03. **Communication with State Officials.** Applicants for initial scholarships must respond by the date specified to any communication from officials of the Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved.~~

(4-2-08)

## 202. APPLICATION PROCESS ~~(EFFECTIVE JANUARY 1, 2008).~~

### 01. Initial Applications.

(4-2-08)

~~a.~~ An eligible student *who has not yet graduated from an accredited high school or its equivalent in the state of Idaho* 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 March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. ~~An applicant who is in his junior year must complete and submit the FAFSA 4easter on or prior to March 1 of their junior year.~~ All applicants must complete and submit the FAFSA on or prior to March 1 of his last year of secondary school ~~(including applicants who were secondary school juniors that previously submitted the FAFSA 4easter).~~ An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. (4-2-08)( )

~~b.~~ *An eligible student currently enrolled in an eligible Idaho postsecondary educational institution 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 March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. A current postsecondary educational institution student must complete and submit the FAFSA on or prior to March 1.* (4-2-08)

**02. Announcement of Award.** Announcement of the award of initial scholarships will be made no later than ~~the first business day after~~ June 15 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. (4-2-08)( )

**03. Communication with State Officials.** Applicants ~~for either initial or continuing scholarships~~ must respond by the date specified to any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the state board of education executive director or designee. (4-2-08)( )

## 203. -- 299. (RESERVED)

**300. SELECTION OF SCHOLARSHIP RECIPIENTS.**

**01. Selection Process.** ~~The selection of applicants for the receipt of an opportunity~~ ~~s~~ Scholarship awards will be based on the availability of ~~funding for the Opportunity~~ scholarship program funds. In addition, opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (4-2-08)(    )

**a.** ~~Applicants will be ranked to determine the eligible students with the greatest demonstrated financial need, based on the financial eligibility requirements of these rules. Then,~~ el~~igible~~ students shall be selected based on rating criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (4-2-08)(    )

**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 a previous opportunity scholarship award, and have continuing eligibility based upon financial need and other criteria provided in these rules. (4-2-08)

**02. Monetary Value of the Opportunity Scholarship.** (4-2-08)

**a.** The Board will, by resolution each year, ~~establish the maximum annual amount that a student may receive under the Opportunity Scholarship Program. In addition, the Board will, by resolution each year,~~ establish the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the opportunity scholarship program. The educational costs will be established as a not to exceed amount for each eligible Idaho postsecondary educational institution. (4-2-08)(    )

**b.** The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-2-08)

**i.** The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

**ii.** The amount of federal grant aid, as identified by the ~~federal~~ Student Aid Report (SAR) that is known at the time of award determination; (4-2-08)(    )

**iii.** The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-2-08)(    )

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

(4-2-08)(    )

### 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. (4-2-08)

**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 covers up to ~~one~~ 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. (4-2-08)(    )

**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. (4-2-08)

### 302. CONTINUING ELIGIBILITY.

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules, in addition to the following requirements: (4-2-08)

**01. Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. ~~A completed application for the renewal of an opportunity scholarship must be submitted to the Board electronically by the date established on the application, but not later than January 31. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than January 31. In addition, a scholarship recipient must and update and submit the FAFSA on or prior to March 1.~~ (4-2-08)(    )

**02. 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 twelve (12) credit hours or its equivalent each semester that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of nine (9) credit hours or its equivalent each semester that the student received an opportunity scholarship award. (4-2-08)(    )

**03. Satisfactory Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of ~~two~~ three point zero (23.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining

satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (4-2-08)( )

**04. Maximum Duration of Scholarship Award.** The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (4-2-08)( )

**05. 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 ~~interrupt continuous enrollment~~ withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-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 state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (4-2-08)( )

**303. -- 399. (RESERVED)**

**400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.**

**01. Statements of Continuing Eligibility.** An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (4-2-08)( )

**02. Other Requirements.** An eligible Idaho postsecondary educational institution must: (4-2-08)

**a.** Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; (4-2-08)

- b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; (4-2-08)
- c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and (4-2-08)
- d. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. (4-2-08)

~~401. ADMINISTRATION.~~

~~The Board is responsible for:~~ (4-2-08)

- ~~a. Releasing any public information regarding the Opportunity Scholarship Program;~~ (4-2-08)
- ~~b. Determination of scholarship recipients;~~ (4-2-08)
- ~~c. Determination of procedures for payment of scholarships to recipients;~~ (4-2-08)
- ~~d. Maintaining fiscal controls and accounting procedures;~~ (4-2-08)
- ~~e. Preparing annual reports as required, and~~ (4-2-08)
- ~~f. Authorizing release of all forms, affidavits, and certification necessary for the operation of the program.~~ (4-2-08)

~~402~~1. -- 500. (RESERVED)

**501. APPEALS.**

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The opportunity scholarship applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include ~~a statement of the reason the opportunity scholarship applicant or recipient believes the decision should be changed~~ the basis for the appeal. The appeal must be submitted to the President executive director of the Board. The office of the board ~~must~~ shall acknowledge receipt of the appeal within seven (7) days. The President executive director of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (4-2-08)(    )

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

appeal.

(4-2-08)( )

**02. Subcommittee Recommendations.** Following the subcommittee's decision, the President executive director of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the President executive director of the Board, be permitted to make a presentation to the Board. (4-2-08)( )

**03. Board Decision.** The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the opportunity scholarship applicant or recipient in writing of the decision of the Board. (4-2-08)

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

**08.01.12 - IDAHO MINORITY AND "AT-RISK" STUDENT SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0112-1301 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, and 33-4606, 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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire section of Administrative Rule, bringing it into alignment with the changes made to statute.

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 August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 51](#).

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, and 33-4606, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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:

During the 2013 Legislature SB 1027 was passed consolidating the majority of the state run scholarship programs. The proposed change repeals this entire chapter of Administrative Rule.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Funds previously allocated to this program will be redirected to the Opportunity Scholarship Program.

**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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 28](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28,

2013.

DATED the 7th day of June, 2013.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0112-1301**

**IDAPA 08.01.12 IS BEING REPEALED IN ITS ENTIRETY**

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

**08.02.01 - RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 2, 2013, Idaho Administrative Bulletin, **Vol. 13-1, pages 35 and 36.**

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Luci Willits at [lbwillits@sde.idaho.gov](mailto:lbwillits@sde.idaho.gov), or 208-332-6814.

DATED this 18th day of April, 2013.

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

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **December 13, 2012**.

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 16, 2013.

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

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

In 2011, the State Board of Education approved, and the Idaho Legislature subsequently approved, a rulemaking promulgated under Docket 08-0201-1101 that clarified aspects of collective bargaining and negotiations found in the Students Come First laws. On November 6, 2012, Idaho voters repealed the Students Come First laws. This rule change removes the language codified under Docket 08-0201-1101.

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

On November 6, 2012, Idaho voters repealed the Students Come First laws. Because the authorizing statutes are no longer in existence, these administrative rules are now in conflict and must be repealed immediately. These changes comply with the amendments made to governing law.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated

rulemaking was not conducted because of the need for temporary rulemaking.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this temporary and proposed rule, contact: Luci Willits at [lbwillits@sde.idaho.gov](mailto:lbwillits@sde.idaho.gov) or 208-332-6814.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 23, 2013.

DATED this 21st Day of December 13, 2012.

### LSO Rules Analysis Memo

**THE FOLLOWING IS THE PENDING RULE  
OF DOCKET NO. 08-0201-1301**

#### ~~151. NEGOTIATIONS:~~

~~**01. Open Meeting.** For the purposes of Section 33-1273A, Idaho Code, all open meeting negotiations shall adhere to Sections 67-2340 through 67-2344 and 67-2346 through 67-2347, Idaho Code, including posting notices and agendas. In addition, notices and agendas shall be posted on the main page of the school district's website. (3-29-12)~~

~~**02. Collective Bargaining Limited to Compensation and Benefits.** Items that may be included in master contracts or negotiated agreements shall be limited to the specific items defined under the terms "Compensation" and "Benefits" under Section 33-1272, Idaho Code. For the purposes of the definition of "Compensation" as stated in Section 33-1272, Idaho Code, the term "salary" means: (3-29-12)~~

~~**a.** Any monies provided through public funding that are paid to an employee pursuant to an employment contract, the form of which is approved by the Superintendent of Public Instruction pursuant to Section 33-513, Idaho Code; and (3-29-12)~~

~~**b.** The process by which the school district board of trustees will determine local student achievement share awards pursuant to Section 33-1004I, Idaho Code. (3-29-12)~~

~~**c.** The inclusion of any other items in a master contract or negotiated agreement is~~

~~hereby prohibited. Any items included in violation of this provision are hereby declared null, void and of no force or effect.~~ (3-29-12)

**1521. -- 199. (RESERVED)**

***LSO MEMORANDUM***

**TO:** *Rules Review Subcommittee of the Senate Education Committee and the House Education Committee*  
**FROM:** *Principal Legislative Research Analyst - Eric Milstead*  
**DATE:** *February 19, 2013*  
**SUBJECT:** *State Board of and State Department of Education - State Department of Education*

IDAPA 08.02.01 - Rules Pertaining To The Rules Governing Administration (Re collective bargaining & negotiations) (Docket No. 08-0201-1301)

The State Department of Education submits notice of temporary and proposed rulemaking at IDAPA 08.02.01 - Rules Governing Administration (Re: collective bargaining & negotiations). This docket reflects the Department of Education repealing rules that governed aspects of collective bargaining and negotiations based upon the Students Come First statutes. However, the laws that these formed the basis of those rules were repealed in the November 2012 elections. Consequently, the Department has repealed those administrative rules. The Department states that the rules in this docket are in conflict with the laws that currently exist and therefore must be repealed. The Department states that the action found in this docket complies with current law.

The effective date of the temporary rule was December 13, 2012.

The action appears to be authorized pursuant to Sections 33-105, 33-107 and 67-5226, Idaho Code.

cc: State Board of and State Department of Education - State Department of Education Tom Luna & Luci Willits

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

**08.02.01 - RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1302**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, and 33-107, Idaho Code.

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

IDAPA 08.02.01, Section 650 sets out the requirements for students who have not completed high school to take the GED® Assessment or earn their High School Equivalency Certificate. The GED® Testing Service is a collaboration between the American Council on Education (ACE) and Pearson. In 2011 they started an initiative to redo the GED test and bring it into alignment with 21st Century Skills Initiative. The new exam will be given starting in January of 2014. Previously the GED Testing Service was a program of ACE, who developed, delivered, and safeguarded the GED test. The exam was only administered through state entities, the US military, and federal correctional institutions. In Idaho the Division of Professional-Technical Education manages/administers the program and public schools and institutions were authorized to administer the exam. The new GED Testing Service will be a partnership between ACE and Pearson, the exam will become a completely on-line exam and will be allowed to also be administered by private higher education institutions as well. This is a change at the national level made by the company who owns the rights to the GED assessment. The proposed changes would divide the section on GED testing from the high school equivalency section more clearly, specify that state set's the fee currently being paid by each individual who takes the GED exam (not the private institution administering the exam), clarifies that the minimum score to pass the exam is set by the GED Testing Service, removes the requirement that test takers have to be Idaho residents, and requires that test takers show proof of identification using government issued identification.

The amendments made to the proposed rule adds the new cut scores for students who wish to use the GED exam to earn their Idaho High School Equivalency Certificate and adds language to grandfather in those students who took the GED assessment prior to January 2014.

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 2, 2013 Idaho

Administrative Bulletin, **Vol. 13-10, page 61 through 63.**

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education Boise, Idaho 83720-0037  
650 W State Street Phone: (208)332-1582  
PO Box 83720 Fax: (208)3342632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, and 33-107, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

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:

IDAPA 08.02.01, Section 650 sets out the requirements for students who have not completed high school to take the GED® Assessment or earn their High School Equivalency Certificate. The GED® Testing Service is a collaboration between the American Council on Education (ACE) and Pearson. In 2011 they started an initiative to redo the GED test and bring it into alignment with 21st Century Skills Initiative. The new exam will be given starting in January of 2014. Previously the GED Testing Service was a program of ACE, who developed, delivered, and safeguarded the GED test. The exam was only administered through state entities, the US military, and federal correctional institutions. In Idaho the Division of Professional-Technical

Education manages/administers the program and public schools institutions were authorized to administer the exam. The new GED Testing Service will be a partnership between ACE and Pearson, the exam will become a completely on-line exam and will be allowed to also be administered by private higher education institutions as well. This is a change at the national level made by the company who owns the right to the GED assessment. The proposed changes would divide the section on GED testing from the high school equivalency section more clearly, specify that state set's the fee currently being paid by each individual who takes the GED exam (not the private institution administering the exam), clarifies that the minimum score to pass the exam is set by the GED Testing Service, removes the requirement that test takers have to be Idaho residents, and requires that test takers show proof of identification using government issued identification.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There is no change to the current fee being charged.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be no fiscal impact from these changes.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted due to the non-controversial nature of the changes being proposed.

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED the 30th day of August, 2013.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0201-1302**

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

The primary objective of the State Board of Education is to have all students complete their formal education and graduate from high school. However, students who drop out of school and believe it is in their best interest to take the (General Education Development) G.E.D. test may do so under the following conditions and, upon successful completion of all G.E.D. requirements, may apply for an Idaho High School Equivalency Certificate. (4-1-97)

**01. General Education Development Tests.** General Education Development (GED) tests are given by approved testing centers for a statewide fee set by the Idaho Division of Professional-Technical Education. ~~Fees are set by the testing centers. For successful completion, the test taker must earn a standard score of at least forty (40) on each of the five (5) tests and must earn an average standard score of forty five (45) on all five (5) tests. The testing centers will provide an American Government test for individuals who do not have credit in American Government and who plan to apply for an Idaho High School Equivalency Certificate.~~ Candidates must make the minimum score for passing the GED test as established by the GED Testing service. (4-1-97)( )

~~**02. Resident Eligibility Requirement.** To be eligible to take the GED tests, the applicant must be a bona fide resident of the state of Idaho at the time of application. Residency is not gained or lost by reason of military service.~~ (4-1-97)

**032. Age Criteria.** The applicant must satisfy one (1) of the following age criteria: (4-1-97)

**a.** The applicant must be at least eighteen (18) years of age; (4-1-97)

**b.** The applicant may be sixteen (16) or seventeen (17) years of age and be one (1) year or more behind in credits earned, expelled, recommended by the school, pregnant, or a parent. In such cases, the applicant is eligible if the applicant's school verifies in writing that the student meets one of the above criteria and this verification is on file at the testing center prior to any testing. The school may give its verification only after the applicant and his or her parent or guardian submit in writing a request for the applicant to take the GED tests and the applicant and the applicant's parent or guardian have met with school officials to review and discuss the request. (In cases where the applicant is not living with a parent or guardian, the parent or guardian's verification is not necessary.); (4-1-97)

**c.** The applicant may be sixteen (16) or seventeen (17) years of age and be entering college, the military, or an employment training program ~~(such as the Job Training Partnership Act (JTPA) or other state or federally approved program),~~ enrolled in an Adult Basic Education Program, enrolled in the Job Corps, or incarcerated. In such cases, the applicant is eligible if the institution involved applies in writing for the applicant to take the GED tests and this application is on file at the testing center prior to any testing. (4-1-97)( )

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

**04. Idaho High School Equivalency Certificate.** The State Department of Education will issue an Idaho High School Equivalency Certificate to eligible applicants. The normal fee for issuing a certificate is ten dollars (\$10); however, this fee will be waived for military service personnel and veterans. To be eligible, an applicant must submit the following documents to the State Department of Education: (4-1-97)

**a.** An official report of GED test results showing successful completion of all requirements. Test scores are accepted as official only when reported directly by official GED Testing Centers, the Transcript Service of the Defense Activity for Non-Traditional Education Support (DANTES), Veterans Administration hospitals and, in special cases, the GED Testing Service. Effective for all individuals taking the exam on or after January 1, 2014, individuals must receive a score of at least one hundred fifty (150) on a scale of one hundred through two hundred (100-200) on each of the four (4) content modules for the 2014 GED® exam and have a combined score of six hundred (600). ~~(4-1-97)~~ ( )

**b.** For those individuals who take the exam prior to January 1, 2014, for successful completion, the test taker must earn a standard score of at least forty (40) on each of the five (5) tests and must earn an average standard score of forty-five (45) on all five (5) tests. The testing centers will provide an American Government test for individuals who do not have credit in American Government or Aan official transcript showing completion of a course in American Government including study of the U.S. Constitution and principles of state and local government. This requirement may be met by resident study in high school or college, correspondence study from an accredited university, DANTES, or by successfully passing the American Government test furnished by the testing center. ~~(4-1-97)~~ ( )

**c.** A completed form DD295 on all service personnel. This form is not required of veterans and non-veteran adults. (4-1-97)

**d.** A copy of a discharge if the applicant is a veteran of military service. (4-1-97)

**e.** Once eligibility is established, the State Department of Education will furnish the applicant with a special application form. After the applicant completes this form and pays the ten dollar (\$10) processing fee, the applicant will be awarded an Idaho High School Equivalency Certificate. (4-1-97)

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1301**

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

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is **August 16, 2013**. This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

The revisions to IDAPA 08.02.02.120 and the addition of IDAPA 08.02.02.121 are based on the recommendations and work of the Educator Evaluation Task Force. The rules have gone out for public comment following the State Boards initial approval and have been revised based on those public comments.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the State Department of Education amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the June 5, 2013, Idaho Administrative Bulletin, **Vol. 13 - 6, pages 29 through 33**.

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder by email at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or by phone at 208-332-6814, or at the address listed below.

DATED this 19th day of August 16, 2013.

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

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **April 18, 2013**.

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 19, 2013.

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

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

On February 21, 2012 the State Department of Education (SDE) submitted an Elementary and Secondary Education Act (ESEA) waiver to gain relief from the mandates of No Child Left Behind (NCLB). There were two application periods for waivers: November 2011 and February 2012. Idaho chose to apply in the second round so that the SDE was able to offer additional time for feedback and evaluation. Principle 3 of the ESEA waiver clearly outlined required elements of teacher and principal evaluation models. As a result, Idaho needed to make adjustments to our teacher evaluation model and adopt a principal evaluation model for the state. The excerpt below is from the cover page that accompanied the waiver which was presented and approved at the State Board Meeting on February 16, 2012 and again on October 18, 2012:

*Supporting Effective Instruction and Leadership:*

*Idaho developed a statewide framework for teacher evaluation. Schools also receive financial rewards for effective instruction as measured by student achievement. The State Department is currently creating a statewide framework for principal evaluation which should be completed by May 2012. The state will use their frameworks to then make necessary changes with teacher and administrator preparation programs.*

As a result of the work of both the Administrator Evaluation Focus Group and the Evaluation Capacity Task Force, both of which are referenced throughout the ESEA Waiver, that State Department of Education brought forth recommended rule changes for increased rigor and utility of teacher evaluations as well as a new section specific to administrator evaluation at the August 16, 2012 State Board meeting.

The State Board of Education approved these revisions during that meeting. On November 6, 2012, Idaho voters repealed the Students Come First laws that formed the foundation of Idaho's teacher and principal evaluation systems. Because of this, Idaho was no longer in compliance with the ESEA Waiver requirements which required student achievement and multiple measures to be a part of both teacher and principal evaluations. As a result, Idaho needed to work with stakeholders to extensively redraft the rules to bring Idaho's teacher and principal evaluation standards back in to compliance with the ESEA Waiver requirements. Because of this, the Idaho State Department of Education vacated the rule making process to allow an Educator Evaluation Task Force to be convened to analyze the gaps between Idaho's current evaluation systems and what was needed to bring Idaho's evaluation system back in to compliance with the ESEA Waiver requirements.

In December 2012, the Idaho State Department of Education submitted the following timeline and plan to the US Department of Education outlining how we would ensure that Idaho was in compliance with the ESEA Waiver requirements.

**January - March:**

1. Convene Educator Evaluation Task Force with the specific goal of making recommendations on the following items to the State Board of Education:
2. The percentage of the evaluation that will be based on Student Achievement?
3. What multiple measures will be used in the evaluation, i.e. Parental Input, Student Input, Work Place Survey, etc.?
4. The inclusion of an Individualized Professional Learning Plan that will be created for each teacher based upon evaluation findings, and shall be used in subsequent years as the baseline measurement for professional development and growth?
5. How many observations are required annually and who must perform the observations?
6. Will administrators be required to complete a proficiency assessment prior to performing any evaluation or as part of their ongoing professional development for recertification?
7. Will we require a proficiency assessment for initial administrator licensure?

**April - May:**

1. Take evaluation rule revisions for IDAPA 08.02.02.120 (Teacher Evaluation) and the addition of IDAPA 08.02.02.121 (Principal Evaluation) to the State Board of Education as Temporary and Proposed Rule.

1. Receive State Board of Education approval of revisions to rule.
1. Put rule revisions out for public comment.
1. Receive final approval from the State Board of Education on Temporary and Proposed Rule.

**2013 - 2014 School Year:**

1. Districts pilot revised evaluation models.

**2014 - 2015 School Year:**

1. Full implementation of revised evaluation models in accordance with ESEA Waiver requirements.

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

This rule is being brought forth as temporary and proposed to ensure that Idaho is able to meet the demands of the timeline outlined above.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No Fiscal Impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance

on technical questions concerning this temporary and proposed rule, contact: Nick Smith, State Department of Education, [nwsmith@sde.idaho.gov](mailto:nwsmith@sde.idaho.gov), 208-332-6954.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 26, 2013.

DATED this 18th Day of April, 2013.

**[LSO Rules Analysis Memo](#)**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1301

**120. LOCAL DISTRICT EVALUATION POLICY -- TEACHER AND PUPIL PERSONNEL CERTIFICATE HOLDERS.**

Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, and teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (3-29-10)(    )

**01. Standards.** Each district evaluation model shall be aligned to state minimum standards that are based on Charlotte Danielson's Framework for Teaching Second Edition domains and components of instruction. Those domains and components include: (3-29-10)

- a. Domain 1 - Planning and Preparation: (3-29-10)
  - i. Demonstrating Knowledge of Content and Pedagogy; (3-29-10)
  - ii. Demonstrating Knowledge of Students; (3-29-10)
  - iii. Setting Instructional Goals Outcomes; (3-29-12)(    )
  - iv. Demonstrating Knowledge of Resources; (3-29-10)
  - v. Designing Coherent Instruction; and (3-29-10)
  - vi. Designing Student Assessments. (3-29-12)
- b. Domain 2 - The Classroom Environment: (3-29-12)
  - i. Creating an Environment of Respect and Rapport; (3-29-10)
  - ii. Establishing a Culture for Learning; (3-29-10)
  - iii. Managing Classroom Procedures; (3-29-10)
  - iv. Managing Student Behavior; and (3-29-10)
  - v. Organizing Physical Space. (3-29-10)
- c. Domain 3 - Instruction and Use of Assessment: (3-29-10)

- i. Communicating with Students; (3-29-12)
- ii. Using Questioning and Discussion Techniques; (3-29-10)
- iii. Engaging Students in Learning; (3-29-10)
- iv. Using Assessment in Instruction; and (3-29-12)
- v. Demonstrating Flexibility and Responsiveness. (3-29-12)
- d.** Domain 4 - Professional Responsibilities: (3-29-10)
  - i. Reflecting on Teaching; (3-29-10)
  - ii. Maintaining Accurate Records; (3-29-10)
  - iii. Communicating with Families; (3-29-10)
  - iv. Participating in a Professional Community; (3-29-12)
  - v. Growing and Developing Professionally; and (3-29-10)
  - vi. Showing Professionalism. (3-29-10)

~~**02. Parent Input.** *Input from the parents and guardians of students shall be considered as a factor in the evaluation of any school-based certificated employees. For such certificated employees on a Category A, B or grandfathered renewable contract, this input shall be part of the first portion of the evaluation (as stipulated in 33-514(4), Idaho Code,) that must be completed before February 1 of each year (Section 33-513 and 33-514, Idaho Code).* (3-29-12)~~

**02. Professional Practice.** *For evaluations conducted on or after July 1, 2013, all certificated instructional employees must receive an evaluation in which at least sixty-seven percent (67%) of the evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Charlotte Danielson Framework for Teaching Second Edition. The measures included within the Professional Practice portion of the evaluation shall include a minimum of two (2) documented observations annually, with at least one (1) observation being completed by January 1 of each year. District evaluation models shall also include at least one (1) of the following as a measure to inform the Professional Practice portion of all certificated instructional employee evaluations:*

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

~~03. **Student Achievement.** For evaluations conducted on or after July 1, 2012, all certificated employees must receive an evaluation in which at least fifty percent (50%) of the evaluation results are based on objective measures of growth in student achievement as determined by the board of trustees. This student achievement portion of the evaluation shall be completed by the end of the school year in which the evaluation takes place (Section 33-513 and 33-514, Idaho Code). (3-29-12)~~

03. **Student Achievement.** For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. ( )

~~024. **Participants.** Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 16, and each school nurse and librarian. Evaluations shall be differentiated for certificated non-instructional employees and pupil personnel certificate holders in a way that aligns with the Charlotte Danielson Framework for Teaching Second Edition to the extent possible. Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (3-29-12)( )~~

035. **Evaluation Policy - Content.** Local school district policies will include, at a minimum, the following information: (4-1-97)

a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. (4-1-97)

b. Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. (4-1-97)

c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated ~~personnel performance~~ instructional staff and pupil personnel performance. The individuals assigned this responsibility ~~should~~ shall have received training in evaluation and prior to September 1, 2018, shall demonstrate proof of proficiency in conducting observations and evaluating effective teacher performance by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement. (4-1-97)( )

d. Sources of data -- description of the sources of data used in conducting certificated

personnel evaluations. ~~For classroom teaching personnel, classroom observation should be included as one (1) source of data.~~ For certificated instructional staff, a minimum of two (2) documented classroom observations shall be included as one (1) source of data. At least one (1) of those observations must be completed prior to January 1 of each year. Parent/guardian input, student input and/or portfolios shall be considered. (4-1-97)(    )

e. Procedure -- description of the procedure used in the conduct of certificated personnel evaluations. (4-1-97)

f. Communication of results -- the method by which certificated personnel are informed of the results of evaluation. (4-1-97)

g. Personnel actions -- the action, ~~if any,~~ available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. (4-1-97)(    )

h. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. (4-1-97)

i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. (4-1-97)

j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system. (4-1-97)

k. Professional development and training -- a plan for ongoing training for evaluators/administrators and teachers on the districts evaluation standards, tool and process. (3-29-10)

l. Funding -- a plan for funding ongoing training and professional development for administrators in evaluation. (3-29-10)

m. Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development. Aggregate data shall be considered as part of the district and individual schools Needs Assessment in determining professional development offerings. (3-29-10)(    )

n. Individualizing teacher evaluation rating system -- A plan for how evaluations will be used to identify proficiency and ~~define a process that identifies and assists teachers in need of improvement.~~ record growth over time. No later than July 1, 2013, districts shall have established an individualized teacher evaluation rating system with a minimum of three (3) rankings used to differentiate performance of teachers and pupil personnel certificate holders including: (3-29-10)(    )

i. Unsatisfactory being equal to “1”; ( )

ii. Basic being equal to “2”; and ( )

iii. Proficient being equal to “3”. ( )

o. A plan for including all stakeholders including, but not limited to, teachers, board members, ~~and~~ administrators, and parents in the development and ongoing review of their teacher evaluation plan. (3-29-10)( )

**046. Evaluation Policy - Frequency of Evaluation.** The evaluation policy shall include a provision for evaluating all certificated personnel on a fair and consistent basis. ~~All contract personnel shall be evaluated at least once annually.~~ (3-29-12)( )

**057. Evaluation Policy - Personnel Records.** Permanent records of each certificated personnel evaluation will be maintained in the employee’s personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. (4-1-97)( )

**08. Evaluation System Approval.** Each school district board of trustees will develop and adopt policies for teacher and pupil personnel certificated performance evaluation in which criteria and procedures for the evaluation are research based and aligned with the Charlotte Danielson Framework for Teaching Second Edition. By July 1, 2014, an evaluation plan which incorporates all of the above elements shall be submitted to the State Department of Education for approval. Once approved, subsequent changes made in the evaluation system shall be resubmitted for approval. ( )

**121. LOCAL DISTRICT EVALUATION POLICY - SCHOOL PRINCIPAL.** For principal evaluations conducted on or after July 1, 2014, each school district board of trustees will develop and adopt policies for principal performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. Districts must, at a minimum, pilot such an evaluation during the 2013-2014 school year and report the results of that pilot to the State Department of Education no later than July 1, 2014, in a format determined by the Department. The process of developing criteria and procedures for principal evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. ( )

01. Standards. Each district principal evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state's adopted model, the Charlotte Danielson Framework for Teaching Second Edition. Proof of proficiency in evaluating teacher performance shall be required of all individuals assigned the responsibility for appraising, observing, or evaluating certificated personnel performance. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement prior to September 1, 2018. Principal evaluation standards shall additionally address the following domains and components: ( )

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

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

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

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

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

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

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

iii. Transparency - Principal seeks input from stakeholders and takes all perspectives

into consideration when making decisions. ( )

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

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

c. Domain 3: Instructional Leadership - An educational leader promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community. The educational leader provides leadership for major initiatives and change efforts and uses research and/or best practices in improving the education program. ( )

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

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

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

iv. Continuous Improvement of Instruction - Principal has proof of proficiency in assessing teacher performance based upon the Charlotte Danielson Framework for Teaching Second Edition. Aligns resources, policies, and procedures toward continuous improvement of instructional practice guided by the instructional vision. ( )

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

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

**02. Professional Practice.** For evaluations conducted on or after July 1, 2014, all principals must receive an evaluation in which sixty-seven percent (67%) of the evaluation results are based on Professional Practice. All measures included within the Professional Practice portion of the evaluation must be aligned to the Domains and Components listed in Subsection 121.01.a. through 121.01.c. of this rule. As a measure to inform the Professional Practice portion of all principal evaluations, district evaluation models shall also include at least one (1) of the following: ( )

a. Parent/guardian input; ( )

b. Teacher input; ( )

c. Student input; and/or ( )

d. Portfolios. ( )

03. Student Achievement. For evaluations conducted on or after July 1, 2013, all certificated instructional employees, principals and superintendents must receive an evaluation in which at least thirty-three percent (33%) of the evaluation results are based on multiple objective measures of growth in student achievement as determined by the board of trustees and based upon research. For evaluations conducted on or after July 1, 2014, growth in student achievement as measured by Idaho's statewide assessment for Federal accountability purposes must be included. This portion of the evaluation may be calculated using current and/or past year's data and may use one (1) or multiple years of data. Growth in student achievement may be considered as an optional measure for all other school based and district based staff, as determined by the local board of trustees. ( )

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

a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional leadership, personnel decisions. ( )

b. Evaluation criteria -- statements of the general criteria upon which principals be evaluated. ( )

c. Evaluator -- identification of the individuals responsible for appraising or evaluating principal performance. The individuals assigned this responsibility shall have received training in evaluation. ( )

d. Sources of data -- description of the sources of data used in conducting principal evaluations. Proficiency in conducting observations and evaluating effective teacher performance shall be included as one (1) source of data. ( )

e. Procedure -- description of the procedure used in the conduct of principal evaluations. ( )

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

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

( )

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

*i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action.* ( )

*j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's principal evaluation system.* ( )

*k. Professional development and training -- a plan for ongoing training and professional learning based upon the district's evaluation standards and process.* ( )

*l. Funding -- a plan for funding ongoing training and professional development for evaluators of principals.* ( )

*m. Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development for principals.* ( )

*n. Individualizing principal evaluation rating system -- a plan for how evaluations will be used to identify proficiency and record growth over time. No later than July 1, 2014, districts shall have established an individualized principal evaluation rating system with a minimum of three rankings used to differentiate performance of principals including:* ( )

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

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

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

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

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

**06. Evaluation Policy - Personnel Records.** *Permanent records of each principal evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). Local school districts shall report the rankings of individual certificated personnel evaluations to the State Department of Education annually for*

State and Federal reporting purposes. The State Department of Education shall ensure that the privacy of all certificated personnel is protected by not releasing statistical data of evaluation rankings in local school districts with fewer than five (5) teachers and by only reporting that information in the aggregate by local school district. ( )

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

1212. -- 129. (RESERVED)

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1302**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

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 August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 61 through 63.**

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Luci Willits, State Department of Education at [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov), or 208-332-6814.

DATED this 1st day of November, 2013.

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

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **June 20, 2013**.

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

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

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

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

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

Section 33-119, Idaho Code, requires the State Board of Education to establish standards for the accreditation of any secondary school and set standards for all elementary schools as it may deem necessary. In August, 2007, the State Board of Education eliminated the Idaho State Accreditation process and adopted the Northwest Association of Accredited Schools (NAAS) standards for accreditation purposes due to the fact that a duplication of efforts existed between the two processes. This change allowed the State Department of Education to reallocate funding to other program areas within the Department and provided an opportunity to divert some of those funds back into classrooms across Idaho.

In 2011, the Northwest Association of Accredited Schools changed their name to the Northwest Accreditation Commission (NWAC) to better reflect their organizational structure as a commission rather than an association due to changes in membership and representation. In 2012, the Northwest Accreditation Commission merged with AdvancEd, becoming an Accreditation division of AdvancEd.

In accordance with IDAPA 08.02.02.140, all public secondary schools, serving any grade(s)

9-12, will be accredited by the Northwest Accreditation Commission. In the past, many school districts have operated Alternative Schools that are sponsored programs under a traditional high school. Under this structure, these alternative schools that function as programs are accredited as part of the traditional high school and their accountability is combined with the traditional high school under Idaho's Star Rating system. Upon further analysis, the State Department of Education believes that this relationship is in violation of IDAPA 08.02.02.140, but sees the value in continuing relationships where Alternative Schools can be considered sponsored programs under a traditional high school for accreditation purposes. As a result, the State Department of Education is recommending revisions to IDAPA 08.02.02.140 that will solidify which schools can operate as programs and which schools must seek standalone accreditation. This rule revision will ensure that all schools and all students are being properly accounted for through accreditation and Idaho's Star Rating system. The proposed language before you has been reviewed and approved by the Idaho Accreditation Committee.

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

This rule revision will ensure that all schools and all students are being properly accounted for through accreditation and Idaho's Star Rating System.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this temporary and proposed rule, contact Nick Smith, State Department of Education at [nwsmith@sde.idaho.gov](mailto:nwsmith@sde.idaho.gov) or 208-332-6954.

Anyone may submit written comments regarding this temporary and proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st Day of June, 2013.

**LSO Rules Analysis Memo**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1302

**140. ACCREDITATION.**

All public secondary schools, serving any grade(s) 9-12, will be accredited. Accreditation is voluntary for elementary schools, grades K-8, ~~and~~ private and parochial schools, and alternative schools not identified in Subsection 140.01.a. through 140.01.e. of this rule. (Section 33- 119, Idaho Code) (4-2-08)(    )

**01. Alternative Schools.** Beginning with the 2014-15 school year, an alternative school serving any grade(s) 9-12 that meets any three (3) of the criteria in Subsections 140.01.a. through 140.01.e. of this rule, shall be required to be accredited. An alternative school that does not meet three (3) of the following criteria in Subsections 140.01.a. through 140.01.e. shall be considered as an alternative program by the district board of trustees and shall be included in the accreditation process and reporting of another secondary school within the district for the purposes of meeting the intent of this rule. (    )

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

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

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

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

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

~~**012.**~~ **Continuous School Improvement Plan.** Schools will develop continuous school improvement plans focused on the improvement of student performance. (4-2-08)

~~**023.**~~ **Standards.** Schools will meet the accreditation standards of the Northwest Accreditation Commission. (3-29-12)

~~**034.**~~ **Reporting.** An annual accreditation report will be submitted to the State Board of Education. (4-2-08)

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1303**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

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 August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 64 through 66.**

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cp\\_linder@sde.idaho.gov](mailto:cp_linder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

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

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **June 20, 2013**.

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

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

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

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

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

Changing the title of this route to certification removes unnecessary barriers in Board approval of qualified face-to-face and hybrid teacher preparation alternatives. No substantive changes are proposed in the requirements, approval process, or procedures.

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

There are no substantive changes in the requirements, approval process or procedures. This does, however, remove unnecessary barriers to board approval of qualified teacher preparation.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this temporary and proposed rule, contact Christina Linder, State Department of Education, at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st Day of June, 2013.

### LSO Rules Analysis Memo

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1303**

**045. ~~COMPUTER-BASED~~ ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.** An individual may acquire interim certification as found in Section 015 of these rules through an ~~an~~ ~~computer-based~~ ~~approved~~ alternative route certification program. (4-6-05)(    )

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

- a. Preassessment of teaching and content knowledge; (4-6-05)
- b. An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)
- c. Exams of pedagogy and content knowledge. (4-6-05)

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

**03. Requirements for Completion.** To complete this ~~alternative~~ ~~non-traditional~~

route, the individual must:

~~(4-6-05)~~(    )

- a. Complete a Board approved program; (4-6-05)
- b. Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)
- c. Complete the Idaho Department of Education Criminal History Check. (4-6-05)

**04. Interim Certificate.** Upon completion of the ~~computer-based~~ certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. ~~(4-4-13)~~(    )

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

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

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1304**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

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 August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 67 through 69.**

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cpinder@sde.idaho.gov](mailto:cpinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

Wednesday, August 14, 2013 at 3:00 p.m. (MDT)

State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702

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

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

During the 2012 legislative session, IDAPA rule 08.02.02.016, Idaho Educator Credential, was approved with the agreement that additional language clarifying the conditions under which Idaho teachers must meet this requirement. Amendments to the Mathematics In-Service and Idaho Comprehensive Literacy Course renewal requirements clarify that only active teachers in the Idaho Public School system are required to fulfill this obligation for recertification.

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

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule was clarification in nature and did not require negotiated rulemaking.

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

this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder, State Department of Education, at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov) or 208-332-6886.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st day of June, 2013.

### **LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1304**

#### **016. IDAHO EDUCATOR CREDENTIAL.**

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

**01. Renewal Requirement - Mathematics In-Service Program.** In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that each teacher deems to be most closely aligned with their current assignment prior to September 1, 2014. Any teacher or administrator successfully completing said course shall be deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. Successful completion of state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.01.a. through 016.01.e. shall successfully complete the “Mathematical Thinking for Instruction” course in order to recertify: (4-7-11)

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

**b.** Each teacher holding a Standard Elementary Certificate (K-8) who is employed in an elementary classroom (multi-subject classroom K-8); ~~(3-29-10)~~( )

c. Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I who is employed in an elementary classroom ~~(multi-subject classroom K-8);~~ ~~(3-29-10)~~( )

d. Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in an elementary classroom (multi-subject classroom K-8); and ~~(3-29-10)~~( )

e. Each school administrator holding an Administrator Certificate (Pre K-12) who is employed in an elementary classroom (multi-subject classroom K-8), including all school district and charter administrators. ~~(4-4-13)~~( )

**02. Out-of-State Applicants - Mathematical Thinking for Instruction.** (4-4-13)

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

b. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Mathematics In-service program requirement. (4-4-13)

**03. Waiver of Mathematics In-Service Program.** When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual ~~who lives~~ living outside of the state of Idaho ~~or~~ who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. ~~(4-4-13)~~( )

**04. Renewal Requirement - Idaho Comprehensive Literacy Course.** In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.04.a. through 016.04.c. shall successfully complete an Idaho Comprehensive Literacy course in order to recertify: (4-4-13)

a. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (4-4-13)

b. Each teacher holding a Standard Elementary Certificate (K-8) who is employed in an elementary classroom (K-8); and ~~(4-4-13)~~( )

c. Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in a K-12 classroom. ~~(4-4-13)~~( )

**05. Out-of-State Applicants - Idaho Comprehensive Literacy Course.** Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. (4-4-13)

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1305**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed with one exception: in section 076.09.a, the original language is being restored per legislator input.

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 original text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 70 through 76](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street

P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education**  
**Barbara Morgan Conference Room**  
**650 West State Street, 2nd Floor**  
**Boise, Idaho 83702**

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

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

The Executive Committee, a decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission, has the prime duty to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. After extensive research and consultation with the Deputy Attorney General assigned to the PSC, the Executive Committee proposed to the full Commission a series of clarifications and revisions to the Code of Ethics for Idaho Professional Educators. The proposal was discussed at length and the Professional Standards Commission voted to recommend approval of the proposed revisions to the Code of Ethics for Idaho Professional Educators.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule was created through a committee of practitioners appointed by the State Board of Education. Therefore, multiple stakeholder groups were informed and the recommendations vetted.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder, State Department of Education, at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

Anyone may submit written comments regarding this temporary and proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st Day of June, 2013.

### **LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1305**

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

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-20-04)

##### **01. Aspirations and Commitments. (3-20-04)**

**a.** The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

**b.** The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his/her goals and potential as an effective citizen. (4-11-06)( )

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other's cultures and beliefs. (3-20-04)( )

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

02. **Principle I - Professional Conduct.** A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct ~~may shall~~ include the conviction of any felony or misdemeanor offense ~~as defined by~~ set forth in Section ~~18-110 and Section 18-111 33-1208~~, Idaho Code. ~~All infractions (traffic) as defined by Section 18-113A, Idaho Code, are excluded.~~ (3-20-04)( )

03. **Principle II - Educator/Student Relationship.** A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-04)( )

a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)

b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)

c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)

d. Committing any act of harassment as defined by district policy; (4-11-06)

e. Soliciting, encouraging, or consummating a romantic or inappropriate relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-20-04)( )

f. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendoes or sexual idiomatic phrases); (3-20-04)

g. Taking or possessing inappropriate ~~pictures~~ images (digital, photographic, or video) of students; (3-20-04)(    )

h. Inappropriate contact with any minor or any student regardless of age using electronic media; (4-11-06)

i. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; ~~and~~ (4-11-06)(    )

j. Conduct that is detrimental to the health or welfare of students; and (4-11-06)(    )

k. Deliberately falsifying information presented to students. (    )

**04. Principle III - Alcohol and Drugs Use or Possession.** A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)(    )

a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)

b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)

c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)

d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)

e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

**05. Principle IV - Professional Integrity.** A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-04)(    )

a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)

b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)

c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)

d. Failure to notify the state at the time of application for licensure of past criminal convictions ~~at the time of application for licensure~~ of any crime violating the statutes or rules governing teacher certification; (3-20-04)( )

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; ~~and,~~ (3-20-04)( )

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; ~~and~~ (3-20-04)( )

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

**06. Principle V - Funds and Property.** A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-04)( )

a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

b. Failure to account for school funds collected from students, ~~or~~ parents, or patrons; (3-20-04)( )

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

e. Use of school ~~computers~~ property for ~~a~~ private ~~business~~ financial gain; (3-20-04)( )

f. Use of school computers to deliberately view or print pornography; and, (3-20-04)

g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

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

~~(3-20-04)~~( )

a. Unauthorized solicitation of students or parents of students to purchase equipment, ~~or~~ supplies, or services from the educator who will directly benefit; ~~(3-20-04)~~( )

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

d. Soliciting, accepting, or receiving a pecuniary financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. ~~(3-20-04)~~( )

**08. Principle VII - Confidentiality.** A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: ~~(3-20-04)~~( )

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

**09. Principle VIII - Breach of Contract or Abandonment of Employment.** A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: ~~(3-20-04)~~( )

a. Abandoning any contract for professional services without the prior written release from the contract by the employing school district or agency;(3-20-04)

b. Willfully refusing to perform the services required by a contract; and, (3-20-04)

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

**10. Principle IX - Duty to Report.** A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: ~~(3-20-04)~~( )

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse,

abandonment or neglect); (4-11-06)

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

**11. Principle X - Professionalism.** A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: ~~(4-11-06)~~( )

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)

b. Committing any act of harassment toward a colleague; (4-11-06)

~~e. Conduct that is offensive to the ordinary dignity, decency, and morality of others;~~  
~~(4-11-06)~~

~~ec.~~ Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)

~~ed.~~ Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)

~~f. Deliberately falsifying information presented to students;~~ (4-11-06)

~~ge.~~ Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)

~~hf.~~ Taking or possessing inappropriate ~~pictures~~ images (digital, photographic or video) of colleagues. ~~(4-11-06)~~( )

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

**01. Administrative Complaint.** A document issued by the State Department of Education outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. (3-20-04)

**02. Allegation.** A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)

**03. Certificate.** A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school

nurse or school librarian (Section 33-1201, Idaho Code). (3-20-04)

**04. Certificate Denial.** The refusal of the state to grant a certificate for an initial or reinstatement application. (3-20-04)

**05. Certificate Suspension.** A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. (3-20-04)

**06. Complaint.** A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. (4-11-06)

**07. Conditional Certificate.** Allows an educator to retain licensure under certain stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(10), Idaho Code). (3-20-04)

**08. Contract.** Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. (3-20-04)

**09. Conviction.** Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. (3-20-04)

**10. Educator.** A person who holds or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). (3-20-04)

**11. Education Official.** An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). (3-20-04)

**12. ~~Ethics~~ Executive Committee.** A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for possible action to be taken against a Certificate holder. ~~(4-11-06)~~( )

**13. Hearing.** A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)

**14. Hearing Panel.** A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)

**15. Investigation.** The process of gathering factual information concerning a valid,

written complaint in preparation for review by the Professional Standards Commission *Ethics Executive* Committee, or following review by the *Ethics Executive* Committee at the request of the deputy attorney general assigned to the Department of Education. ~~(4-11-06)~~( )

- 16. Minor.** Any individual who is under eighteen (18) years of age. (3-20-04)
- 17. Not-Sufficient Grounds.** A determination by the *Ethics Executive* Committee that there is not-sufficient evidence to take action against an educator's certificate. ~~(4-11-06)~~( )
- 18. Principles.** Guiding behaviors that reflect what is expected of professional educators in the state of Idaho while performing duties as educators in both the private and public sectors. (3-20-04)
- 19. Reprimand.** A written letter admonishing the Certificate holder for his conduct. The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. (3-20-04)
- 20. Respondent.** The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)
- 21. Revocation.** The invalidation of any Certificate held by the educator. (3-20-04)
- 22. Stipulated Agreement.** A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, or by subsequent action by the Professional Standards Commission. (3-20-04)
- 23. Student.** Any individual enrolled in any Idaho public or private school from preschool through grade 12. (3-20-04)
- 24. Sufficient Grounds.** A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. (3-20-04)

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1306**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 73 and 74](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Tuesday, October 8, 2013, at 3:00 p.m. (MDT)**

**Idaho State Department of Education  
650 West State Street, 2nd Floor  
Lewis and Clark Conference Room  
Boise, Idaho**

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

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

Proposed standards revisions to the Idaho Standards for Initial Certification of Professional School Personnel manual including the English Language Arts, Gifted and Talented, Library Media Specialist, Literacy, School Administrator foundation, Principal, School Superintendent, and Special Education Director standards.

Proposed standards revisions to the Idaho Standards for Operating procedures for Idaho Public Driver Education Programs.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because this rule is simple in nature. All standards and endorsements were revised to better align with national standards. The Idaho Driver Education Program Standards were revised to better align with the national standards.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This information is voluminous in nature and is easily accessed by the link provided in rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder, State Department of Education at 208-332-6886 or [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 16th day of August, 2013.

### LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1306

#### 004. INCORPORATION BY REFERENCE.

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

01. **Idaho Standards for the Initial Certification of Professional School Personnel as approved on ~~August 16, 2012~~ August 15, 2013.** Copies of this document can be found on the Office of the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (~~4-4-13~~)( )

02. **Standards for Idaho School Buses and Operations as approved on June 23, 2011.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov/site/transportation/library.htm>. (3-29-12)

03. **Operating Procedures for Idaho Public Driver Education Programs as approved on ~~November 17, 2010~~ August 15, 2013.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at [http://www.sde.idaho.gov/site/driver\\_edu/forms\\_curriculum.htm](http://www.sde.idaho.gov/site/driver_edu/forms_curriculum.htm). (~~4-7-11~~)( )

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1307**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

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 2, 2013, Idaho Administrative Bulletin, **Vol. 13-10, pages 75 through 77.**

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

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

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **August 26, 2013**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Tuesday, October 8, 2013, at 3:00 p.m. (MDT)**

**Idaho State Department of Education  
650 West State Street, 2nd Floor  
Lewis and Clark Conference Room  
Boise, Idaho**

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

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

This section is being clarified to more clearly articulate the intent of the law including for Out-of-State Applicants for the Idaho Comprehensive Literacy Course. In addition, the state is clarifying standards incorporated into the “Mathematical Thinking for Instruction,” courses may be taught by all Idaho-approved preparation programs under a variety of course titles. Each must be approved, however, by the State Department of Education to ensure fidelity in curriculum.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) is appropriate for the following reasons:

The temporary adoption of this rule is appropriate so that schools can begin teaching “Mathematical Thinking for Instruction” Fall 2013.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: No Fiscal Impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the rule is temporary and simple in nature - clarification of rule.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Christina Linder, State Department of Education at 208-332-6886 or [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 16th day of August, 2013.

### **LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1307**

#### **016. IDAHO EDUCATOR CREDENTIAL.**

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

**01. Renewal Requirement - Mathematics In-Service Program.** In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” or another State Department of Education approved alternative course, shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that each teacher deems to be most closely aligned with their current assignment prior to September 1, 2014. Any teacher or administrator successfully completing said course shall be deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. Successful completion of state approved mathematics instruction course shall be a one-time requirement for renewal of

certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.01.a. through 016.01.e. shall successfully complete the “Mathematical Thinking for Instruction” course in order to recertify: ~~(4-7-11)~~( )

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

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

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

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

**e.** Each school administrator holding an Administrator Certificate (Pre K-12), including all school district and charter administrators. (4-4-13)

**02. Out-of-State Applicants - Mathematical Thinking for Instruction.** (4-4-13)

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

**b.** Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Mathematics In-service program requirement. (4-4-13)

**03. Waiver of Mathematics In-Service Program.** When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual who lives outside of the state of Idaho or who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (4-4-13)

**04. Renewal Requirement - Idaho Comprehensive Literacy Course.** In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.04.a. through 016.04.c. shall successfully complete an Idaho Comprehensive Literacy course in order to recertify: (4-4-13)

**a.** Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (4-4-13)

**b.** Each teacher holding a Standard Elementary Certificate (K-8); and (4-4-13)

**c.** Each teacher holding a Standard Exceptional Child Certificate (K-12). (4-4-13)

**05. Out-of-State Applicants - Idaho Comprehensive Literacy Course. ( )**

**a.** Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. ~~(4-4-13)~~( )

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

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

**08.02.02 - RULES GOVERNING UNIFORMITY**

**DOCKET NO. 08-0202-1308**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

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 2, 2013, Idaho Administrative Bulletin, **Vol. 13-10, pages 78 through 87**.

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education at [cp\\_linder@sde.idaho.gov](mailto:cp_linder@sde.idaho.gov), or 208-332-6886.

DATED this 1st day of November, 2013.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Tuesday, October 8, 2013, at 3:00 p.m. (MDT)**

**Idaho State Department of Education  
650 West State Street, 2nd Floor  
Lewis and Clark Conference Room  
Boise, Idaho**

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:

After review by the Professional Standards Commission, several endorsements were updated to reflect best practices and qualifications for Idaho's educators. The Driver Education endorsement was struck from IDAPA since the endorsement is no longer offered by colleges and universities and a certificate is required instead. The proposed standards and evaluations have been aligned with the Idaho administrator evaluation standards and the most current School Leaders Licensure Consortium Standards. A clarification to rule is necessary because the accreditation of educator preparation programs has undergone a merger and changed names.

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

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

No Fiscal Impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because this rule is simple in nature. All endorsements were

revised to better align with national standards and to articulate the intent of the law.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Christina Linder, State Department of Education at 208-332-6886 or [cplinder@sde.idaho.gov](mailto:cplinder@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 16th day of August, 2013.

### **LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-1308**

**018. STANDARD ELEMENTARY CERTIFICATE.**

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

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

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

**a.** A minimum of twenty-four (24) semester credit hours, or thirty-six (36) quarter credit hours, in the philosophical, psychological, and methodological foundations and in the professional subject matter of elementary education, which shall include at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading and its application to the content area. (3-16-04)

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

**03. Additional Requirements.** An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades

Kindergarten (K) through eight (8). (3-16-04)

**04. Area of Endorsement.** All individuals, who begin an Idaho approved preparation program after July 1, 2013, seeking a Standard Elementary Certificate shall complete the requirements for a subject area endorsement as outlined under requirements for a Standard Secondary Certificate. An endorsement allowing teaching of that subject through grade nine (9) or a K-12 endorsement shall be added to the Standard Elementary Certificate. ~~(4-7-11)~~( )

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

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. ENDORSEMENTS.**

Holders of a Secondary Certificate or a Standard Elementary Certificate, Exceptional Child Certificate, Standard Occupational Specialist Certificate, and Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching major or minor if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (4-4-13)

**01. Clinical Experience Requirement.** All endorsements require supervised teaching experience in the relevant content area, or a State Department of Education approved alternative clinical experience. ( )

**022. ENDORSEMENTS A - D.**

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

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

**b.** Occupational teacher preparation coursework that relates to the appropriate area(s) as provided in Sections 034 through 038. (4-4-13)

**02. American Government /Political Science (6-12).** Twenty (20) semester credit

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

**03. Art (K-12 or 6-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers in the area of Art to include a minimum of nine (9) semester credit hours in: Foundation Art and Design. Additional course work must include at least two (2) Studio Areas and Secondary Arts Methods. To obtain an Art (K-12) endorsement, applicants holding a Secondary Certificate must complete an elementary methods course. (4-7-11)

**04. Bilingual Education (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Bilingual Education Teachers to include all of the following: at least nine (9) upper division semester credit hours in one (1) Modern Language other than English, including writing and literature, and advanced proficiency according to the American Council on the Teaching of Foreign Languages (ACTFL) guidelines; cultural diversity; ENL/Bilingual Methods; second language acquisition theory and practice; Foundations of ENL/Bilingual Education, Federal and State Law, Testing/identification of Limited English Proficient Students; at least two (2) semester credit hours in Bilingual Practicum; and three (3) semester credit hours in a Bilingual Education related elective (ex: linguistics, critical pedagogy, parent involvement). (4-4-13)

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

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

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: accounting; computer and technical applications in business; economics; methods of teaching business education; Professional-Technical Student Organization (PTSO) leadership; business communication/writing; and office procedures. Additional competencies may be satisfied through the following: entrepreneurship; finance; marketing; business law; and/or career guidance. (4-4-13)

**b.** Occupational teacher preparation that relates to the appropriate area(s) as provided in Sections 034 through 038. (4-4-13)

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

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

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

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

**10. Drama (6-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Drama Teachers, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts, including course work in each of the following: Acting, Directing, and Technical Stage Production, and four (4) semester credit hours in Communications. To obtain a Drama (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theatre. (4-7-11)

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

## 023. ENDORSEMENTS E - L.

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

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

**03. English (6-12).** ~~Twenty (20)~~ **Forty-five (45) upper division** semester credit hours leading toward competency as defined by Idaho Standards for English Language Arts Teachers, including ~~three (3) semester~~ credit hours in Linguistics/Grammar, ~~three (3) semester credit hours in~~ American Literature, ~~three (3) semester credit hours in~~ English Literature, ~~six (6) semester credit hours in~~ **British Literature, Adolescent Literature, Multicultural Literature, Content Literacy, methods courses in Reading/Literature, Writing, and Integrating English Language Arts,** and Advanced Composition, excluding the introductory sequence designed to meet general education requirements. ~~Remaining credits must be completed in the English Department, and must include some course work in Writing Methods for Teachers of Secondary Students.~~ (3-16-04)( )

**04. English as a New Language (ENL) (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for ENL Teachers to include all of the following: at least four (4) semester credit hours in a modern language other than English; Cultural Diversity; ENL Methods; Linguistics; second language acquisition theory and practice;

Foundations of ENL/Bilingual Education, Federal and State Law, Testing/Identification of Limited English Proficient Students; and at least one (1) semester credit in ENL Practicum or Field Experience. (4-4-13)

**05. Family and Consumer Sciences (6-12).** (4-4-13)

**a.** Thirty (30) semester credit hours to include coursework in each of the following areas: Child/Human Development; Human/Family Relations; Directed Laboratory Experience in Childcare; Apparel and Textiles, Cultural Dress, Fashion Merchandising, or Design; Nutrition; Food Preparation, Food Production, or Culinary Arts; Housing, Interior Design, Home Management, or Equipment; Consumer Economics or Family Resource Management; Introduction to Family Consumer Sciences; Professional-Technical Student Organization (PTSO) leadership; and Integration of Family Consumer Sciences or Family Consumer Science Methods. (4-4-13)

**b.** Occupational teacher preparation that relates to the appropriate area(s) as provided in Sections 034 through 038. (4-4-13)

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

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

**08. Gifted and Talented (K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Gifted and Talented Education Teachers, to include ~~a minimum of three (3)~~ semester credit hours in each of the following areas: Foundations of Gifted and Talented Education; Creative/Critical Thinking Skills for Gifted and Talented Students; Social and Emotional Needs of Gifted and Talented Students; Curriculum, ~~and~~ Instruction, and Assessment for Gifted and Talented Students; Differentiated Instruction and Programing for Gifted and Talented Students; and Practicum and Program Design for Gifted and Talented Education. Remaining course work must be in the area of gifted education. ~~(5-8-09)~~( )

**09. Health (6-12 or K-12).** Twenty (20) semester credit hours to include course work in Organization/Administration/Planning of a School Health Program; Health and Wellness; Secondary Methods of Teaching Health; Mental/Emotional Health; Nutrition; Human Sexuality; Substance Use and Abuse. Remaining semester credits must be in health-related course work. To obtain a Health K-12 endorsement, applicants must complete an elementary Health methods course. (4-4-13)

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

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

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

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

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

~~**13. Library Media Specialist (K-12).** Twenty (20) semester credit hours in the field of Education Media or Library Science, including a minimum of:- (5-8-09)~~

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

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

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

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

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

**143. Literacy (K-12).** Twenty-one (201) semester credit hours *in the area of Literacy including a minimum of three (3) semester credit hours in each of* **leading toward competency as defined by Idaho Standards for Literacy Teachers to include** the following areas: Foundations of *Reading or Developmental Reading; Reading Literacy (including reading, writing, and New Literacies); Development and Diversity of Literacy Learners; Literacy* in the Content Area; Literature for Youth; *Psycholinguistics or* Language Development; Corrective/Diagnostic/Remedial Reading; and *Teaching Writing Instruction*. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. *Remaining credits must be taken in the area of teaching literacy.* (5-8-09)(    )

## 024. ENDORSEMENTS M - Z.

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

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: Marketing; Management; Economics; Coordination of Cooperative Programs; Merchandising/Retailing; Methods of Teaching Marketing Education; and Professional-Technical Student Organization (PTSO) Leadership, with remaining credit hours in Entrepreneurship; Hospitality and Tourism; Finance; or Accounting. (4-4-13)

**b.** Occupational teacher preparation that relates to the appropriate area(s) as provided in Sections 034 through 038. (4-4-13)

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

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

**04. Music (6-12 or K-12).** Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Music Teachers to include course work in the following: Theory and Harmony; Aural Skills, Music History; Conducting; Applied Music; and Piano Proficiency (Class Piano or Applied Piano), and Secondary Music Methods/Materials. To obtain a Music K-12 endorsement, applicants must complete an elementary music methods course. (4-7-11)

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

**a.** Option I: Must hold an existing endorsement in one of the following areas: Biological Science, Chemistry, Earth Science, Geology, or Physics; and complete a total of twenty-four (24) semester credit hours as follows: (4-7-11)

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

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

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

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

**b.** Option II: Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty (20) semester credit hours with at least four (4) semester credit hours in each of the following areas: Biology, Chemistry, Earth Science or Geology, and Physics. (4-7-11)

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

**07. Physical Education (PE) (6-12 or K-12).** Twenty (20) semester credit hours to include course work in each of the following areas: Sport, Movement, and Outdoor Skills; Secondary PE Methods; Student Evaluation in PE; Administration of a PE Program; Safety and Prevention of Injuries; Fitness and Wellness; PE for Special Populations; Exercise Physiology;

Kinesiology/Biomechanics; Sports Psychology or Sociology; Motor Behavior; and Current CPR and First Aid Certification. To obtain a PE K-12 endorsement, applicants must complete an elementary PE methods course. (4-4-13)

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

**09. Physical Science (6-12).** Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: Chemistry and Physics. (3-16-04)

**10. Psychology.** Twenty (20) semester credit hours in the area of Psychology. (3-16-04)

**11. Social Studies (6-12).** Must have an endorsement in History, American Government/Political Science, Economics, or Geography plus a minimum of twelve (12) semester credit hours in each of the remaining core endorsements areas: History, Geography, Economics, and American Government/Political Science. (3-29-10)

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

**13. Sociology/Anthropology (6-12).** Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: Anthropology and Sociology. (3-16-04)

**14. Teacher Librarian (K-12).** Twenty (20) semester credit hours of coursework leading toward competency as defined by Idaho Standards for Teacher Librarians to include the following: Collection Development/Materials Selection, Literature for Children and/or Young Adults; Organization of Information (Cataloging and Classification); School Library Administration/Management; Library Information Technologies; Information Literacy; and Reference and Information Service. ( )

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

**a.** Twenty (20) semester credit hours to include course work in each of the following areas: Communication Technology; Computer Applications; Construction Technology; Electronics Technology; Manufacturing Technology; Power, Energy and Transportation and other relevant emerging technologies; and Principles of Engineering Design. (4-4-13)

**b.** Occupational teacher preparation that relates to the appropriate area(s) as provided in Sections 034 through 038. (4-4-13)

**156. World Language (6-12 or K-12).** Twenty (20) semester credit hours to include a minimum of twelve (12) upper division credits in a specific world language taken within the last ten (10) years leading to a proficiency level as defined by a state-approved exam (for example, a passing grade on the Praxis or an Advanced level as defined by the American Council on the Teaching of Foreign Languages (ACTFL)). Course work must include two (2) or more of the

following areas: Grammar, Conversation, Composition, Culture, and Literature; and course work in Foreign Language Methods. To obtain an endorsement in a specific foreign language (K-12), applicants holding a Secondary Certificate must complete an elementary methods course.

(4-4-13)

**(BREAK IN CONTINUITY OF SECTIONS)**

**026. ADMINISTRATOR CERTIFICATE.**

Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Proof of proficiency in evaluating teacher performance shall be required of all Administrator Certificate holders. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as an initial certification requirement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: ~~Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership~~ School Climate, Collaborative Leadership, and Instructional Leadership. (3-30-07)( )

**01. School Principal Endorsement (Pre-K-12).** To be eligible for an Administrator Certificate endorsed for School Principal Pre-K-12, a candidate must have satisfied the following requirements: (3-16-04)

- a. Hold a master's degree from an accredited college or university. (3-16-04)
- b. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-30-07)
- c. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-30-07)
- d. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Foundation Standards for School Administrators: ~~Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical~~

~~Leadership, and Governance and Legal Leadership~~ School Climate, Collaborative Leadership, and Instructional Leadership. ~~(3-30-07)( )~~

e. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement. (3-16-04)

**02. Superintendent Endorsement.** To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-16-04)

a. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-16-04)

b. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-30-07)

c. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-30-07)

d. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Foundation Standards for School Administrators: ~~Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership~~ School Climate, Collaborative Leadership, and Instructional Leadership. ~~(3-30-07)( )~~

e. An institutional recommendation is required for a School Superintendent Endorsement. (3-16-04)

**03. Director of Special Education and Related Services Endorsement (Pre-K-12).** To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: (3-16-04)

a. Hold a master's degree from an accredited college or university. (3-16-04)

b. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting. (3-16-04)

c. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: ~~Visionary and Strategic Planning, Instructional Leadership, Management and Organizational Leadership, Family and Community Partnerships, Professional and Ethical Leadership, and Governance and Legal Leadership~~ School Climate, Collaborative Leadership, and Instructional Leadership. ~~(3-30-07)( )~~

**d.** Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping. (3-30-07)

**e.** Have completed an administrative internship/practicum in the area of administration of special education and related services. (3-16-04)

**f.** An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. OFFICIAL VEHICLE FOR APPROVING TEACHER EDUCATION PROGRAMS.**  
(Section 33-114, Idaho Code) (4-1-97)

**01. The Official Vehicle for the Approval of Teacher Education Programs.** The official vehicle for the approval of teacher education programs will be the ~~National Council for Accreditation of Teacher Education (NCATE)~~ Council for the Accreditation of Educator Preparation (CAEP) approved Idaho Standards for the Initial Certification of Professional School Personnel. The Idaho Standards are based upon the accepted national standards for educator preparation and include state-specific, core teaching requirements. The State Department of Education will transmit to the head of each Idaho college or department of education a copy of all revisions to the Idaho Standards for the Initial Certification of Professional School Personnel. Such revisions will take effect and must be implemented within a period not to exceed two (2) years after notification of such revision. (~~3-29-12~~)(    )

**02. Reference Availability.** The Idaho Standards for the Initial Certification of Professional School Personnel, incorporated by reference in Subsection 004.01, are available for inspection on the Office of the State Board of Education's website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (3-29-12)

**03. Continuing Approval.** (3-29-12)

**a.** The state of Idaho will follow the National Council for Accreditation of Teacher Education (NCATE) model by which institutions shall pursue continuing approval through a full program review every seven (7) years. The full program review shall be based upon the Idaho Standards for Initial Certification of Professional School Personnel. (3-29-12)

**b.** The state of Idaho will additionally conduct focused reviews of state-specific, core teaching requirements in the interim, not to exceed every third year following the full program review. (3-29-12)

**04. Payment Responsibilities for Teacher Preparation Program Reviews.** The Professional Standards Commission is responsible for Idaho teacher preparation program reviews, including assigning responsibility for paying for program reviews. To implement the reviews, it is necessary that: (4-6-05)

**a.** The Professional Standards Commission pay for all in-state expenses for on-site teacher preparation reviews from its budget. (4-6-05)

**b.** Requesting institutions pay for all out-of-state expenses related to on-site teacher preparation program reviews. (4-6-05)

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

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1301**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **October 17, 2013**. This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-116, 33-118, and 33-1612, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and 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:

These changes bring Idaho's high achieving school awards into alignment with changes made to the award system as outlined in Idaho's accountability workbook. Changes were made to the workbook to bring it into compliance with Idaho's Elementary Secondary Education Act (ESEA) waiver request.

The amendments made to the pending rule correct an error in the eligibility requirements, removing a requirement that was not included in the states ESEA waiver.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice and includes changes made to the pending rule. The text of the pending rule has been modified in accordance with Section 67-5227, Idaho Code. The original text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, **Vol. 13-10, pages 88 and 89**.

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

To bring Idaho's Administrative Rule into alignment with Idaho's waiver of the Federal Elementary Secondary Education Act.

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary and pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-116, and 33-1612, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2013.

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:

IDAPA 08.02.03, Section 113 sets out the requirements for the State Board of Education to recognize Distinguished Schools as well as grant Additional Yearly Growth Awards. Both awards are dependent on determination of Adequate Yearly Progress as it is defined in the states Accountability Workbook. With the granting of Idaho's ESEA waiver there have been modification to the Accountability Workbook and how AYP is determined, these changes necessitate changes to this rule to bring it into alignment with Idaho's current five (5) star accountability system.

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

increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be no fiscal impact from these changes.

**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 3, 2013 Idaho Administrative Bulletin, [Vol. 13-7, page 33](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED the 30th day of August, 2013.

### LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1301

#### 113. REWARDS.

**01. Distinguished Schools.** *Distinguished School Awards are designed to recognize the highest performing schools.* A school ~~may~~ shall be recognized as a "Distinguished School" ~~if it is in the top five percent (5%) of schools exceeding the Idaho Adequate Yearly Progress (AYP) intermediate targets listed in Subsection 112.03, of this rule, and if it has significantly reduced the gaps between subgroups listed in Subsection 112.04.d. of this rule.~~ based on the following criteria:  
(3-30-07)( )

**a.** *Achieved a Five-Star Rating for at least two (2) out of the last three (3) years;* ( )

**b.** *Received no less than a Four-Star Rating in the last three years;* ( )

c. Meet the Annual Measurable Objectives (AMOs) in all subjects for overall students and all subgroups as outlined in Subsection 112.04.d. ( )

d. Be among the top five percent (5%) of schools in all students proficiency; and ( )

e. Be among the top ten percent (10%) of schools in the proficiency gaps between the highest and lowest achieving subgroups and between the at-risk and not at-risk subgroups. ( )

~~02. Additional Yearly Growth (AYG) Award. A school demonstrating improved proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) shall be considered to have achieved AYG. Such school must have achieved Adequate Yearly Progress (AYP) to be eligible for this award. (3-30-07)~~

**032. Determination by State Department of Education.** The State Board of Education will determine the schools eligible for the Distinguished School ~~and AYG~~ awards each year based upon the criteria outlined in Subsections 113.01 ~~and 113.02~~. The State Department of Education will provide the list of schools meeting the specified criteria to the State Board of Education no later than August 30th of each year. The State Board of Education will recognize the schools no later than the annual October Board Meeting. ~~(4-2-08)~~( )

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

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1303**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed with a minor change in the definition of gun free schools as requested by stakeholders.

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 original text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 84 and 85**.

**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:

No fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Matt McCarter, State Department of Education at [mamcarter@sde.idaho.gov](mailto:mamcarter@sde.idaho.gov), or 208-332-6961.

DATED this 1st day of November, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction  
State Department of Education  
650 West State Street

P.O. Box 83720  
Boise, Idaho 83720-0027  
Phone: 208-332-6800  
Fax: 208-334-2228

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Wednesday, August 14, 2013 at 3:00 p.m. (MDT)**

**State Department of Education  
Barbara Morgan Conference Room  
650 West State Street, 2nd Floor  
Boise, Idaho 83702**

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

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

Districts are required to maintain a comprehensive policy and procedures regarding Gun-free Schools in addition to other components related to safe environments and discipline. To accurately reflect the prohibition of weapons on campus and the power of trustees to authorize select employees to carry firearms on campus, the State Department of Education proposes the following language replace the existing “Gun-free Schools” language.

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

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is a clarification of current nomenclature as it

relates to safe schools.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt McCarter, State Department of Education at [mamccarter@sde.idaho.gov](mailto:mamccarter@sde.idaho.gov) or 208-332-6961.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this 21st day of June, 2013.

### LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1303

#### 160. SAFE ENVIRONMENT AND DISCIPLINE.

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

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

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

~~(4-4-13)~~ ( )

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

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1306**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

The pending rule is being adopted as proposed with changes to clarify board intent as to progression of middle school and high school students through school, to clarify minutes of Physical Education, and to clarify that courses cannot be concurrently counted as both math and science credits. The changes have been made after public comment and stakeholder input.

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 original text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 97 through 102](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Luci Willits, State Department of Education at [lwillits@sde.idaho.gov](mailto:lwillits@sde.idaho.gov), or 208-332-6814.

DATED this 1st day of November, 2013.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

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

**Tuesday, October 8, 2013, at 3:00 p.m. (MDT)**

**Idaho State Department of Education**  
**650 West State Street, 2nd Floor**  
**Lewis and Clark Conference Room**  
**Boise, Idaho**

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:

**Physical Education:** Currently, there are no required minimums for elementary, middle school/junior high, or high school. This change seeks to set out minimum requirements for physical education at all levels. In addition, the change requires cardiopulmonary resuscitation to be taught in health as a graduation requirement.

**Engineering, Computer Science as Math and Science credits:** Students will be allowed to take dual credit engineering or dual credit computer science or AP computer science as a math or science credit versus being counted as electives. Students need greater exposure to the applicability of math and science and by allowing this flexibility in graduation requirements; students could gain valuable exposure to high demand areas.

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

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

No Fiscal Impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because a committee of interested stakeholders is bringing the proposals forward and it will be available for public comment on our website and at the above referenced Public Hearing.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Luci Willits, State Department of Education at 208-332-6814 or [lbwillits@sde.idaho.gov](mailto:lbwillits@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 16th day of August, 2013.

### [LSO Rules Analysis Memo](#)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1306**

#### **104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

**01. Elementary Schools. (4-11-06)**

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

Fine Arts (art and music)  
Health (wellness)

Physical Education (fitness), a minimum of sixty (60) minutes of physical education on a weekly basis ~~(4-11-06)( )~~

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

Languages other than English  
Career Awareness (4-1-97)

**02. Middle Schools/Junior High Schools.** (4-11-06)

**a.** No later than the end of Grade eight (8) each students shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the school district's or LEA's graduation standards. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-11-06)

**b.** ~~(Effective for all students that enter the sixth grade in the fall of 2006 or later.)~~ A student must have taken pre-algebra before the student will be permitted to enter grade nine (9). ~~(4-11-06)( )~~

**c.** Other required instruction for all middle school students:

Health (wellness)  
Physical Education (fitness), Effective Fall 2015, an average of two hundred (200) minutes of physical education on a bi-weekly basis, during a period of enrollment; Effective Fall 2018, to be increased to two hundred twenty-five (225) minutes on a bi-weekly basis, during a period of enrollment. ~~(4-11-06)( )~~

**d.** Other required offerings of the school:

Family and Consumer Science  
Fine & Performing Arts  
Professional Technical Education  
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

~~**03. High Schools (Grades 9-12) (Effective for all students that graduate prior to January 1, 2012).** Students will maintain a parent approved student learning plan for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. The learning plan outlines a student's program of study, which should include a~~

~~rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed.~~ (4-11-06)

~~a. Other required instructional offerings of the high school. Each student must complete credit and achievement standards in at least two (2) of the following areas of instructional offerings:~~

~~Physical Education (fitness)~~

~~Humanities~~

~~Professional Technical Education (including work-based learning)~~

~~Family and Consumer Science~~

~~Fine and Performing Arts~~

~~Languages other than English (may include indigenous languages or sign language)~~ (4-11-06)

## 105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is ~~forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be~~ forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-29-12)(    )

**a.** Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

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

**c.** Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in

debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

d. Mathematics. ~~Four~~ Six (46) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. ~~For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required.~~ AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. ( )

i. ~~For such~~ sStudents, must complete secondary mathematics includes instruction in the following areas: (3-29-10)( )

i.(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

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

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

iv.i. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-29-10)( )

v.iii. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. High School math credits completed in middle school shall count for the purposes of this section. (4-4-13)( )

e. Science. ~~Four~~ Six (46) credits are required, ~~two~~ four (24) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-29-10)( )

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

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

*f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)*

*g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)*

*h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-29-10)( )*

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

**02. Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter *high school at the 9th* grade nine (9) level in Fall ~~2009~~ 2012 or later.) (3-29-12)( )

*a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: COMPASS, ACCUPLACER, ACT or SAT, ACT, or Compass. Scores must be included in the Learning Plan. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-29-12)( )*

*i. Transferred to an Idaho school district during grade eleven (11);( )*

- ii. Was homeschooled during grade eleven (11); or( )
- iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons.( )

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

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

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

iii. Enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam.( )

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement.( )

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

**05. Middle School.** A student will have met the high school content and credit area requirement for any required high school course if: ( )

a. ~~If a~~ The student completes ~~any required high school~~ such course with a grade of C or higher before entering grade nine (9); ~~and if that~~ ( )

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

c. The course is taught by a properly certificated teacher who meets the federal definition of highly qualified for the course being taught. ( )

d. ~~then the student has met the high school content area requirement for such course.~~ The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. in addition to the courses

~~completed in middle school.~~ Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.v. ~~(3-29-12)~~( )

**06. Proficiency.** Each student must achieve a proficient or advanced score on the Grade ~~ten~~ ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. ~~(4-7-11)~~( )

- a. Before entering an alternate measure, the student must be: (4-2-08)
  - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
  - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
  - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b. The alternate plan must: (4-7-11)
  - i. Contain multiple measures of student achievement; (4-7-11)
  - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
  - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
  - iv. Be valid and reliable; and (4-7-11)
  - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)

i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must be approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)

ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)

iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)

iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)

**d.** *Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year.(\_\_\_\_\_)*

**07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

**08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

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

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1307**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(2), Idaho Code.

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

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 103 and 104](#).

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

These changes result in no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact: Scott Cook, State Department of Education at [scook@sde.idaho.gov](mailto:scook@sde.idaho.gov), or 208-332-6927.

DATED this 1st day of November, 2013.

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

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-1511(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**Tuesday, October 8, 2013, at 3:00 p.m. (MDT)**

**Idaho State Department of Education  
650 West State Street, 2nd Floor  
Lewis and Clark Conference Room  
Boise, Idaho**

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:

This proposed rule change would ensure there is no lapse in the mandate to teach cursive writing across the state as the Idaho Core Standards are implemented statewide in the 2013-14 school year.

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

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

No Fiscal Impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because during the 2013 legislative session Concurrent Resolution - HCR003 passed. This resolution requires that all Idaho Public Elementary Schools provide instruction in cursive handwriting. The changes to IDAPA 08.02.03.103 are being proposed consistent with this requirement.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Scott Cook, State Department of Education at 208-332-6927 or [scook@sde.idaho.gov](mailto:scook@sde.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2013.

DATED this 16th day of August, 2013.

### LSO Rules Analysis Memo

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-1307**

#### 103. INSTRUCTION GRADES 1-12.

**01. Instruction.** Instruction is inclusive of subject matter, content and course offerings. Patterns of instructional organization are a local school district option. Schools will assure students meet locally developed standards with the state standards as a minimum.\* (\*This includes special instruction that allows limited English proficient students to participate successfully in all aspects of the school's curriculum and keep up with other students in the regular education program. It also includes special learning opportunities for accelerated, learning disabled students and students with other disabilities.) (4-5-00)

**02. Instructional Courses.** At appropriate grade levels, instruction will include but not be limited to the following: (4-11-06)

**a.** Language Arts and Communication will include instruction in reading, writing, English, literature, technological applications, spelling, speech and listening, and, in elementary schools, cursive writing. (~~4-1-97~~)( )

**b.** Mathematics will include instruction in addition, subtraction, multiplication, division, percentages, mathematical reasoning and probability. (4-1-97)

**c.** Science will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (4-1-97)

**d.** Social Studies will include instruction in history, government, geography, economics, current world affairs, citizenship, and sociology. (4-1-97)

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

**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**

**DOCKET NO. 08-0204-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5210(4)(e), 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 bring IDAPA 08.02.04 into alignment with the legislative changes made in 2013 and clarify the process for the implementation of the new accountability measure requirements as well as new charter school authorizers.

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 August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 88 through 101](#).

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **June 20, 2013**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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

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

Changes under consideration bring IDAPA 08.02.04 into alignment with the legislative changes made in 2013 and clarify the process for new charter school authorizers and the accountability measure requirements for charter schools.

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

During the 2013 Legislative session changes were made to Title 33, Chapter 52 Idaho code allowing for additional charter school authorizers and the implementation of new accountability measures. Specific changes remove duplicative language that is contained in Title 33, Chapter 52, Idaho Code, adds information regarding institutions as authorized chartering entities, the authorizer fee required in section 33-5208(8), Idaho code, the petition review process, performance certificate requirements and procedures for reviewing requests for performance certificate revisions.

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

Section 33-5208, Idaho Code, requires each charter school to pay an authorizer fee to its authorized chartering entity. The fee is formula driven. The formula is defined in Section 33-5208, Idaho Code.

**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: 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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 34](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this July 5, 2013.

### LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0204-1301

#### 010. DEFINITIONS.

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

01. **Authorizer Fee.** Fee paid by each public charter school to its authorized chartering entity. ( )

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

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

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

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

**05. Institution.** For the purpose of this section, Institution means an Idaho public college, university of community college, or a private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities. ( )

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

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

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

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

~~**10. Public Virtual School.** Is defined in Section 33-5202A(8), Idaho Code, and means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management. (4-4-13)~~

~~**107. School Year.** Means the period beginning on July 1 and ending the next succeeding June 30 of each year. (4-11-06)~~

**011. -- 099. (RESERVED)**

## **100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.**

**01. Responsibilities of Petitioners on Approval of Charter.** Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall provide the

Board with written notice of such approval. The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request. (4-4-13)

**02. Authorization to Begin Educational Instruction.** The public charter schools authorized to begin educational instruction during a given school year shall be those public charter schools that have received approval from their authorized chartering entities to begin educational instruction ~~at some time~~ during such school year. A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year. ~~(4-4-13)~~( )

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

**101. AUTHORIZED CHARTERING ENTITY.**

**01. Institution.** An institution shall receive approval from their governing board prior to authorizing any charter schools. ( )

**a.** Petitions shall be submitted to the president of the institution or his designee. ( )

**b.** An institution may approve or deny a petition, but cannot refer the petition to another authorized chartering entity. ( )

**c.** Notwithstanding Sections 400 through 404, of these rules, denial of a new petition by an institution is final. A petitioner may submit a petition that has been denied by an institution to any authorized chartering entity. ( )

**102. AUTHORIZER FEE.**

**01. Notification.** It is the responsibility of each authorizer to notify the Department if the authorizer fee has not been received by the date specified in Section 33-5208, Idaho Code. ( )

**a.** The authorizer must provide notification of the delinquent fee to the charter school prior to reporting to the Department. ( )

**b.** The authorizer must provide the amount delinquent and proof of notification to the charter school within thirty (30) days of the non-payment of the authorizer fee. ( )

**c.** The Department shall withhold the amount of the delinquent fee from the next scheduled release of funds to the charter school. The funds will be withheld until the Department has received notification from the authorizer that the authorizer fee has been paid in full. ( )

1013. -- 199. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

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

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

~~02. Application Deadline.~~ Petitioners must submit a new petition to an authorized chartering entity by September 1 in order to be eligible to begin educational instruction for the following school year as required by Section 33-5203, Idaho Code. A petition filed after such date that is approved and the charter granted shall not be eligible to begin operations until the next succeeding school year at the earliest. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

**203. ADMISSION PROCEDURES.**

**01. Model Admission Procedures.** In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (4-11-06)( )

**02. Enrollment Opportunities.** Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that

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

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

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

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

~~**06. Priority of Preferences for Initial Enrollment.** If a public charter school~~

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

~~**a.** First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school. If so stated in its petition, a new public charter school may include within this priority group the children of full-time employees, subject to the provisions of Section 33-5205(3)(k), Idaho Code. (4-4-13)~~

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

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

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

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

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

~~**b.** Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school. If so stated in its petition, a public charter school may include within this priority group the children of full-time employees and/or children withdrawn from the public charter school within the previous three (3) years as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment, subject to the provisions of Section 33-5205(3)(k)(i-ii), Idaho Code. (4-4-13)~~

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

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

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

**086. Proposed Attendance List for Lottery.** Each year the public charter school shall create an attendance list containing the names of all prospective students on whose behalf a written request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to

each prospective student. The columns shall be designated “A” for returning student preference; “B” for founders preference; “C” for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and “D” for attendance area preference. (4-11-06)

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

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

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

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

**d.** With regard to the sibling preference, if the name of the person selected has a sibling who has already been selected, but the person previously selected did not have the letter “C” written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter “C” shall now be written on that person’s index card at this time. (4-4-13)

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

**f.** After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter “A” shall be sorted first, based on the chronological order of the selection number

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

(4-11-06)

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

(4-11-06)

**~~108~~. Final Selection List.** The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled.

(4-11-06)

**~~109~~. Notification and Acceptance Process.**

(4-11-06)

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

(4-11-06)

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

(4-11-06)

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

(4-11-06)

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

(4-11-06)

**~~120~~. Subsequent School Years.** The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year.

(4-11-06)

~~13. Admission Procedures for Approved Charter Schools. All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. (4-11-06)~~

204. ~~SUBMISSION OF PETITION.~~ **(RESERVED)**

~~01. New Public Charter School. To institute the approval process for the formation of a new public charter school, the petitioners must submit the petition to the local board of trustees of the school district in which the proposed new public charter school will be located, as required by Section 33-5205(1)(a), Idaho Code. (4-11-06)~~

~~02. New Public Virtual School. The petitioners for a new public virtual school must submit the petition for approval with the Commission, as required by Section 33-5205(1)(b), Idaho Code. (4-11-06)~~

~~03. Notification to the Board. Petitioners shall promptly notify the Board that a petition has been submitted to an authorized chartering entity. (4-11-06)~~

205. REVIEW OF PETITIONS.

01. **Initial Sufficiency Review of Petition.** Prior to submitting a petition with an authorized chartering entity, petitioners shall submit one (1) copy of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. (4-4-13)( )

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

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

~~04. Written Response to Initial Review. Petitioners shall include a copy of the Department's final review of the proposed draft petition, and a written response to the findings of such review, with the petition upon submission to an authorized chartering entity. Deficiencies in the petition identified by the Department's initial review shall be addressed in the written response. **Correction of Deficiencies in Proposed Draft Petition.** Petitioners shall address any deficiencies in the proposed draft petition and shall resubmit the petition to the Department for additional reviews until the Department determines that the petition is sufficient. (4-4-13)( )~~

05. **Substantive Review of Petition.** The substantive review of the merits of a petition

by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

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

~~a. Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(c)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a public hearing not later than seventy five (75) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the public hearing must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district. (4-4-13)~~

~~b. An authorized chartering entity must make a decision on whether to approve the petition within seventy five (75) days after the date of the public hearing on the merits of the petition. (4-4-13)~~

~~c. The authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional seventy five (75) days if it determines the petition is incomplete. (4-4-13)~~

~~d. The Commission and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition for an additional, specified period of time. (4-4-13)~~

~~07. If Approved, Charter Is Subject to Limitations on Number of New Charters. If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval. (4-4-13)~~

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

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

b. Petitions submitted to a local board of trustees of a school district or the public charter school commission may be appealed. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (4-11-06)( )

(BREAK IN CONTINUITY OF SECTIONS)

**300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.**

**01. General.** The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring ~~compliance with Title 33, Chapter 52, Idaho Code~~ that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. (4-11-06)()

**02. Compliance with Terms of Charter Performance Certificate.** The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with ~~all of~~ the terms and conditions of the ~~charter performance certificate~~ approved ~~by the authorized chartering entity of the school, as reflected in the final approved petition filed with the Board. In addition, the governing board of the public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies~~ executed in accordance with Section 33-5205B(1), Idaho Code. (4-11-06)()

**03. Annual Reports.** The governing board of a public charter school must submit an annual ~~report to the authorized chartering entity of the school, as required by Section 33-5206(7), Idaho Code. The report shall contain the~~ audit of the fiscal ~~and programmatic~~ operations as required in Section 33-5205~~6(37)(j)~~, Idaho Code, ~~a report on student progress based on the public charter school's student educational standards identified in Section 33-5205(3)(b), Idaho Code,~~ and a copy of the public charter school's accreditation report. An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its charter performance certificate. (4-11-06)()

**04. Operational Issues.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its charter performance certificate. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. (4-11-06)()

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

~~**01. Compliance Monitoring.**~~ Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ~~ensuring that~~ monitoring the public charter school's operates operations in accordance with all of the terms and conditions of the ~~charter approved by the authorized chartering entity, as reflected in the final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school~~

~~program approved by the authorized chartering entity meets the terms of the charter, complies with the general education laws of the state, unless specifically directed otherwise in Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-1612, Idaho Code, as provided in Section 33-5210(2), Idaho Code performance certificate. (4-11-06)( )~~

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

~~**03. Corrective Action Plan.** The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. (4-4-13)~~

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

### 302. CHARTER REVISIONS.

The governing board of a public charter school may reasonably request ~~that its authorized chartering entity revise its~~ revisions to an approved charter or performance certificate, as authorized by Section 33-5209~~6~~(7), Idaho Code. (4-11-06)( )

**01. Request for Revision of Charter.** The governing board of a public charter school that desires to revise its charter must submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit one (1) copy of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and the authorized chartering entity promptly in writing describing the results of such review. (4-4-13)( )

~~**02. Limited Review.** The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter, and shall not have authority to make other charter revisions that are not requested by the public charter school. **Request for Revision of Performance Certificate.** The governing board of a public charter school that desires to revise its performance certificate must submit a written request and the proposed revisions to the public charter school's authorized chartering entity. (4-11-06)( )~~

**03. Procedure for Reviewing Request for Charter Revision.** The authorized chartering entity shall have seventy-five (75) days from the date of receipt of the written notice

from the Department in which to issue its decision on the request for charter revision. The authorized chartering entity shall consider the request for charter revision at its next regular meeting following the date of receipt of the written notice from the Department, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision. (4-4-13)

**04. Procedure for Reviewing Request for Performance Certificate Revision.** The authorized chartering entity shall have seventy-five (75) days from the date of receipt of a request for performance certificate revision in which to issue its decision on the request for performance certificate revision. The authorized chartering entity shall consider the request for performance certificate revision at its next regular meeting following the date of receipt of the request for revision, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a performance certificate revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for performance certificate revision. ( )

**045. Approval of Proposed Charter or Performance Certificate Revision.** If the authorized chartering entity approves the proposed charter or performance certificate revision, a copy of such revision shall be executed by each of the parties to the charter ~~contract~~ or performance certificate and shall be treated as either a supplement to, or amendment of, the final approved petition or performance certificate, whatever the case may be. (4-4-13)( )

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

### 303. REVOCATION.

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303 of this rule if a public charter school has failed to ~~cure a defect with respect to the operation of the public charter school, as described in Subsection 301.04 of these rules, after receiving reasonable notice and a reasonable opportunity to cure the defect~~ meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of Section 33-5209B(1), Idaho Code, by the dates specified. (4-11-06)( )

**01. Written Notice of Intention to Revoke Charter.** The authorized chartering entity must provide the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice.

(4-11-06)

**02. Public Hearing.** The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity. (4-11-06)

**a.** Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. (4-11-06)

**b.** The public hearing shall be conducted by the authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code. (4-11-06)

**03. Charter Revocation.** If the authorized chartering entity determines that the public charter school has not complied with the corrective action plan and cured the defect at issue, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. (4-11-06)

**304. -- 399. (RESERVED)**

**400. APPEALS.**

The following actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules: (4-11-06)

**01. Denial of New Petition.** The denial by an authorized chartering entity of a petition to form a new public charter school, as authorized by Section 33-5207, Idaho Code. (4-11-06)

**02. Approval of Conversion Petition.** The approval of a petition by an authorized chartering entity to convert a traditional public school to a public charter school over the objection of thirty (30) or more persons or employees of the local school district, as authorized by Section 33-5207, Idaho Code. (4-11-06)

**03. Denial of Charter or Performance Certificate Revision.** The denial by the authorized chartering entity of a public charter school of a request to revise a charter or performance certificate, as authorized by Section 33-5209~~6~~(~~18~~), Idaho Code. ~~(4-11-06)~~( )

**04. Revocation.** A decision of an authorized chartering entity to revoke a charter, as authorized by Section 33-5209~~C~~(~~47~~), Idaho Code. ~~(4-11-06)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR PERFORMANCE CERTIFICATE OR A CHARTER NON-RENEWAL OR REVOCATION DECISION.**

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

**01. Submission of Appeal.** The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to non-renew or revoke a charter or to deny a charter or performance certificate revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board ~~eleven (11), three (3)-holed punched, copies~~ one (1) hard copy and one (1) electronic copy of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (4-11-06)( )

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

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

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

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

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

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

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

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

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

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

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

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

b. ~~Remand the matter back to the authorized chartering entity for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal.~~ In the case of a denial by the board of a local school district, redirect the matter to the public charter school commission for further review.

~~(4-4-13)~~( )

c. Deny the appeal filed by the appellants. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. MISCELLANEOUS.**

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

**02. LEA Designations.** Section 33-5203(7), Idaho Code, provides that the ~~Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA. A public charter school may request to be designated as an LEA. Such request shall be in writing and must be submitted to the executive director of the Board. In addition, such request shall state the reasons why the public charter school is requesting LEA status, and must include, at a minimum, the following~~ board of trustees of a school district may designate a public charter school it authorizes as an LEA, with the concurrence of the public charter school board of directors. In order to designate a public charter school as an LEA, the board of trustees of the school district must submit to the Department the following no later than February 1 in order for any such designation to be effective for the following school year:

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

a. ~~Verification that the public charter school is a public virtual school under Idaho law (if applicable).~~ Verification that the board of trustees is the authorized chartering entity of the public charter school it wishes to designate as an LEA.

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

b. ~~A description of the federal programs for which the public charter school will seek funding, and a detailed discussion of the projected financial impact (positive or negative) to the public charter school if it is designated an LEA.~~ Written documentation that the board of trustees of the school district and the board of trustees of the public charter school have agreed to the designation of the public charter school as an LEA. Such documentation shall be signed by representatives of both parties.

(4-11-06)

~~e.~~ ~~A discussion of how the public charter school will administer the ISAT tests to its~~

~~students. (4-11-06)~~

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

~~**a.** A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA. (4-4-13)~~

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

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

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

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

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

**08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**

**DOCKET NO. 08-0301-1301**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5210(4)(e), 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:

Changes under consideration bring IDAPA 08.03.01 into alignment with the legislative changes made in 2013 and clarify the process for the implementation of the new accountability measure requirements. Specific changes remove the requirement for an annual programmatic operations audit and student goals attainment report. Additional changes removed duplicative language contained in the public hearing process required by Section 33-5205(2), Idaho Code.

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 August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, page 102 through 108](#).

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tracie Bent at (208)332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

DATED this 8th Day of November, 2013.

Tracie Bent, Chief Planning & Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720

Boise, Idaho 83720-0037  
Phone: (208)332-1582  
Fax: (208)3342632

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

**EFFECTIVE DATE:** The effective date of the temporary rule is **June 20, 2013**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2013.

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

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

Changes under consideration bring IDAPA 08.03.01 into alignment with the legislative changes made in 2013 and clarify the process for the implementation of the new accountability measure requirements. Specific changes remove the requirement for an annual programmatic operations audit and student goals attainment report. Additional changes removed duplicative language contained in the public hearing process required by Section 33-5205(2), Idaho Code.

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

During the 2013 Legislative session changes were made to Title 33, Chapter 52 Idaho code allowing for the implementation of new accountability measures and changes to the makeup of the Charter Commission. Proposed amendments will bring IDAPA 08.03.01 into alignment with the legislative changes.

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

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal

impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: 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 3, 2013 Idaho Administrative Bulletin, [Volume 13-7, page 35](#).

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

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2013.

DATED this July 5, 2013.

### [LSO Rules Analysis Memo](#)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0301-1301**

#### **300. PETITION -- SUBMISSION.**

**01. Number of Copies.** Petitioners shall submit a petition consisting of an electronic copy of the petition in Microsoft® Word format. Appendices to the petition must be submitted as a single document and may be in Adobe® format (PDF). (4-4-13)

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

**03. Administratively Complete.** If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, *and* IDAPA 08.02.04, “Rules Governing Public Charter Schools:”, *and* IDAPA 08.03.01, “[Rules of the Public Charter School Commission.](#)” (4-11-06)(    )

**04. Considered Received.** A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (4-11-06)

**05. Supplemental Information.** Submission of supplemental information to the Commission shall be accomplished by filing a complete, electronic copy of the petition, with the text to be removed stricken and the new language underlined, with the date of revision noted on the title page. (4-4-13)

**06. Sufficiency Review.** Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 200.03, ~~and any related documents addressing the deficiencies, if any;~~ at the time the petition is filed with the Commission. (4-11-06)( )

~~**07. School District Comments.** If applicable, school districts may provide comments of the school district where the public charter school will be physically located. (4-11-06)~~

### 301. COMPLIANCE MONITORING.

The Commission shall be responsible for *ensuring monitoring* the public charter school's *operates operations* in accordance with all of the terms and conditions of the *approved charter performance certificate*, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (4-11-06)( )

**01. Certificate of Occupancy.** Certificate of Occupancy for the public charter school site; (4-4-13)

**02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety; (4-4-13)

**03. Fire Marshal Report.** A fire marshal report for the public charter school site; (4-11-06)

**04. Insurance Binders.** Copies of insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, unemployment insurance, and health insurance; (4-4-13)

**05. Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (4-11-06)

**06. Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code; (4-4-13)

**07. Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school; and (4-4-13)

**08. School Calendar.** The school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (4-4-13)

**302. REQUIRED DOCUMENTS PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE COMMISSION MUST SUBMIT TO THE COMMISSION.**

**01. Lease Agreement.** If school structures are leased, a copy of the lease agreement for the building(s) at which students will be taught; (4-4-13)

**02. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (4-4-13)

**03. Accreditation Reports.** A copy of the public charter school's accreditation report as required by Section 33-5206(7), Idaho code, must be submitted within five (5) business days of receipt; (4-4-13)

**04. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (4-4-13)

**05. Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (4-4-13)

~~**06. Goals Attainment.** A report, as required by Section 33-5206(7), Idaho Code, by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program and measurable student educational standards in the approved charter; (4-4-13)~~

~~**07. Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(1), Idaho Code, must be submitted no later than August 15th for the previous school year. (4-4-13)~~

**086. Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission. (4-4-13)

**303. -- 399. (RESERVED)**

**400. PETITION -- PUBLIC HEARING.**

A public hearing, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission. ~~The Commission will:~~ (4-11-06)

~~**01. Charter Provisions.** Consider the provisions of the public school charter petition. (4-11-06)~~

~~**02. Petition Merits.** Consider the merits of the petition including, but not limited to,~~

~~the presentation by authorized representatives for the petition. (4-11-06)~~

~~03. **Petition Support.** Consider the level of employee and parental support of the petition. (4-11-06)~~

~~04. **School District Comment.** Consider any oral or written comments of an authorized representative of the school district in which the proposed public charter school would be physically located. (4-11-06)~~

~~05. **Public Comment.** Citizens intending to testify must notify the Commission the day of the meeting. Public comment will be limited to ten (10) minutes, unless otherwise determined by the Commission chairman. (4-11-06)( )~~

#### 401. PETITION -- FORMAT.

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)

01. **Cover Page.** The cover page must include the following information: (4-11-06)
  - a. Name of proposed charter school; (4-11-06)
  - b. School year petitioning to open the school; (4-11-06)
  - c. Name of the school district affected by the attendance area; (4-11-06)
    - i. Where the public charter school building will be physically located; or (4-11-06)
    - ii. If it is a virtual school and the physical location of the main office; and (4-11-06)
  - d. Name, address, telephone number, and e-mail address of the petitioner's authorized representative. (4-4-13)
02. **Table of Contents.** The second page shall be the beginning of the table of contents. (4-11-06)
03. **Tab 1.** Mission and vision statements. (4-4-13)
04. **Tab 2.** The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. (4-4-13)
05. **Tab 3.** (4-11-06)
  - a. A description of what it means to be an "educated person" in the twenty-first century, and how learning best occurs. (4-4-13)

**b.** A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. (4-4-13)

**c.** The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. (4-4-13)

**d.** The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. (4-4-13)

**06. Tab 4.** (4-11-06)

**a.** The measurable student educational standards the public charter school will use. (4-4-13)

**b.** The method by which student progress in meeting the identified student educational standards is to be measured. (4-4-13)

**c.** A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. (4-4-13)

**d.** A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. (4-4-13)

**e.** A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (4-11-06)

**07. Tab 5.** (4-11-06)

**a.** A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. (4-4-13)

**b.** A description of the ethical standards to which the governing board of the public charter school will adhere. (4-4-13)

**c.** A plan for the initial and ongoing training of the governing board of the public charter school. (4-4-13)

**d.** The process to be followed by the public charter school to ensure parental involvement. (4-4-13)

**e.** The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. (4-4-13)

**08. Tab 6.** (4-11-06)

- a.** The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. (4-4-13)
- b.** The procedures that the public charter school will follow to ensure the health and safety of students and staff. (4-4-13)
- c.** The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (4-4-13)
- d.** The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and re-enrolled. (4-4-13)
- e.** A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. (4-4-13)
- f.** A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. (4-4-13)
- g.** A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. (4-4-13)
- h.** A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)
- 09. Tab 7.** (4-11-06)
- a.** Admission procedures, including provision for over enrollment. (4-4-13)
- b.** The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. (4-4-13)
- c.** The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. (4-4-13)
- d.** A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. (4-4-13)
- ~~**e.** *The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook.* (4-11-06)~~
- fe.** A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (4-11-06)

- g.** The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)
- 10. Tab 8.** (4-11-06)
- a.** A detailed business plan including: (4-11-06)
- i. Business description, (4-11-06)
- ii. Marketing plan, (4-11-06)
- iii. Management plan, (4-11-06)
- iv. The school's financial plan, and (4-4-13)
- v. A pre-opening plan and timeline. (4-4-13)
- b.** A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4-11-06)
- c.** Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (4-11-06)
- 11. Tab 9.** If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(9), Idaho Code. (4-11-06)
- 12. Tab 10.** (4-11-06)
- a.** A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations. (4-4-13)
- b.** Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (4-11-06)
- c.** A plan for termination of the charter by the board of the public charter school. (4-11-06)
- 13. Appendices.** (4-4-13)
- a.** Copies of articles of incorporation, file-stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation; (4-4-13)
- b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. (4-4-13)
- c.** Resumes of the directors of the nonprofit corporation, including references;

- (4-4-13)
- d.** Copies of any contracts or lease agreements; (4-4-13)
  - e.** Start-up budget with assumptions form and supporting documentation; (4-4-13)
  - f.** Three-year operating budget form; and (4-4-13)
  - g.** First year month-by-month cash flow form. (4-4-13)
  - h.** The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format and any other such format as may be reasonably requested by the Commission. (4-4-13)